U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
U.S. Environmental Protection Agency FY 2021 Budget Hearing
March 4, 2020

Questions for the Record – Environmental Protection Agency

Questions from Chair McCollum

Staffing Target for FY 2020

EPA's submitted staffing targets for FY 2020 did not increase its staff target levels for the Office of Enforcement and Compliance Assurance or for the Office of Research and Development, despite significant funding increases for those offices.

In fact, the staffing targets for each National Program Office across the agency are the same as last year. This creates the impression that EPA has chosen to ignore the direction the Congress gave the Agency to submit FTE targets "in line with the Agency's enacted fiscal year 2020 appropriation."

Additionally, it should be noted that reprogramming requirements within the bill are an accommodation to the Executive Branch. They allow the Agency the flexibility to respond to needs that arise during a fiscal year while protecting Congressional prerogatives over spending.

The changes in reprogramming procedures in FY 2020 that the Administrator referenced during the hearing were adopted by the Congress as a direct result of EPA's failure to strictly adhere to the Committee's reprogramming requirements in FY 2019. However, under the new reprogramming procedures, the Agency may still request permission from the Committee to reprogram funds between program areas, if needed.

McCollum Q1: With this context, will the Agency be submitting revised staffing targets for all program offices to reflect the changes in resource levels that Congress provided in FY 2020? If not, why not?

EPA Response: Revised staffing targets for FY 2020 are not being planned by the Agency. The Agency is committed to maintaining the workforce needed across our programs to fulfill our mission. The 3.1 percent pay raise provided in FY 2020 resulted in an increased pay need across the Agency. However, in many programs the enacted bill did not provide additional funds to cover this pay raise, resulting in a reduction of available non-pay resources for several National Program offices. For example, in the Office of Enforcement and Compliance Assurance pay increased $15.5 million over FY 2019 levels and in the Office of Research and Development pay increased $28.7 million over FY 2019 levels. To preserve important non-pay resources needed to accomplish our mission, the FTE targets were not increased in FY 2020. In FY 2021, EPA has requested an increase to funding per proposed FTE to meet growing pay requirements.

However, it is also important to note that in FY 2019, EPA hired more than 1,300 people—more than double the average number of new hires in a year. At the same time, EPA had approximately 1,300 employees leave the Agency primarily due to voluntary retirements, creating a net of less than a dozen additional employees. EPA continues to work diligently to maintain and grow our staffing levels in these critical positions and will prioritize filling these positions when they are vacated.

McCollum Q2: If EPA does not plan to submit revised staffing targets, should Congress prescribe the FTE levels for the Agency in FY2021?

EPA Response: The Agency is committed to working with Congress. EPA's priority is to ensure that the Agency has the right balance of staffing and non-pay resources needed to protect human health and the environment. However, as EPA faces a unique challenge with more than 40 percent of employees in Mission Critical Occupations being retirement eligible, maintaining staffing levels through FY 2020 will continue to be a challenge.

McCollum Q3: Will EPA leadership affirm their commitment to follow the Committee's reprogramming procedures in all instances in FY 2020?

EPA Response: The Agency is committed to following all legally required reprogramming procedures in FY 2020.

Region 6 Lab Relocation

Last June, the Agency wrote to the Committee that it intended to relocate its Region 6 lab from Houston, Texas to Ada, Oklahoma.

The Committee has had long-standing requirements governing reprogrammings. These requirements "apply to proposed reorganizations, workforce restructure, reshaping, transfer of functions, or downsizing… and include closures, consolidations, and relocations of offices, facilities, and laboratories."

However, EPA has maintained that this relocation is somehow not subject to the Committee's reprogramming requirements. This is despite the fact that the letter sent last June refers to the move as a 'consolidation' and that it would have to 'relocate' employees.

McCollum Q4: Please provide an explanation as to why the Agency has refused to submit a reprogramming request for this lab move?

EPA Response: Regarding FY 2019, in June 2019 EPA provided notice of the proposed consolidation to the Committees, consistent with the legal requirements in effect at that time. After that notice, EPA moved forward with the consolidation, working with a contractor on several iterations of the design plan and surveying infrastructure for the project.

TCE Risk Assessment

TCE contamination is an ongoing concern in the St. Paul area. Last year, it was discovered that a local manufacturing facility had been releasing unsafe levels of this chemical for more than 15 years. In response, several Minnesota legislators are now working on a complete ban of this carcinogen because the available toxicological data suggests that shows even the levels in current regulations may be unsafe.

McCollum Q5: Why did the EPA use immunosuppression and autoimmunity as the health end points in its draft assessment, instead of in utero cardiac malformations?

EPA Response: The draft trichloroethylene (TCE) risk evaluation presents points of departure (PODs), the point on a toxicological dose-response curve generally corresponding to an estimated low effect level or no effect level, and risk estimates for both immune endpoints as well as the fetal cardiac malformations endpoint, along with various other non-cancer endpoints representing each relevant health domain (e.g., liver, kidney, immune, neurological, reproductive, developmental). From among these endpoints, EPA proposed that immunosuppression and autoimmunity represent the most robust and well supported acute and chronic endpoints, respectively. This decision was based on considerations including data quality, dose range tested, study duration relative to the applicable exposure scenario, and reduced dose-response uncertainty. Therefore, draft risk conclusions were based on these particular endpoints. The scientific support, as required under section 26 of the Toxic Substances Control Act (TSCA), for these draft conclusions are being considered by the TSCA SACC, who met March 24-27, 2020, and will publish a final report containing their recommendations.

McCollum Q6: Is it true that the exposure levels found to trigger immunosuppression are roughly 500 times higher than the levels found to trigger heart defects?

EPA Response: The point of departure (POD) for immunosuppression is 500 times higher than the POD for heart defects. However, these PODs are derived using different assumptions and modeling adjustments so it is difficult to precisely compare how they would translate to specific human exposure levels. These differences in extrapolation approaches and application of uncertainty factors for different endpoints are being considered by the TSCA SACC, who met March 24-27, 2020, and will publish a final report containing their recommendations.

McCollum Q7: If EPA were to use fetal cardiac malformations and toxicity as the health end point, would EPA be forced to ban TCE?

EPA Response: With the release of the draft risk evaluation for TCE, EPA is following the steps for conducting risk evaluations outlined in section 6 of TSCA. Any risk management action would follow a final determination of unreasonable risk of injury to health or the environment identified in a final risk evaluation. EPA is asking the SACC (*see* https://www.epa.gov/tsca-peer-review/peer-review-draft-risk-evaluation-trichloroethylene-tce) to comment on the assumptions, strengths, and weaknesses of the non-cancer dose-

response approaches used to estimate the non-cancer and cancer risks to workers, occupational non-users, and consumers and bystanders. EPA will use these risk estimates to inform the risk determinations in the final risk evaluation. The draft risk evaluation for TCE contains a draft unreasonable risk determination to workers, occupational non-users, consumers, and bystanders under certain conditions of use based on the immunosuppression endpoint. If, after peer review and public comment, EPA finalizes these draft unreasonable risk determinations in the final risk evaluation, the Agency will propose risk management actions (e.g., workplace restrictions, commercial use ban) under TSCA section 6(a) to eliminate any unreasonable risks identified in the final risk evaluation.

Undermining EPA's Scientific Work

On February 25, 2020, the Administrator's Office put a new process in place for deciding the Science Advisory Board's scope of work. Instead of the Board being able to decide the scope of its work, this decision-making function was put in the hands solely of the Board Chair. This change appears to be in contravention of the statutory language establishing the Board.

McCollum Q8: What legal advice did the Administrator seek to ensure that the new process put into place complies with all applicable laws, regulations, and policies governing the SAB and federal advisory committees?

EPA Response: Like all policies and regulations administered by EPA, the changes to the EPA's Science Advisory Board (SAB) engagement goes through a process to ensure any changes comply with the law. The Office of General Counsel advises the Administrator and all program offices within the Agency of their legal obligations and provides relevant legal analysis. The Agency has always maintained, in both Republican and Democrat administrations, that this advice is privileged and confidential under the attorney client privilege.

EPA Workforce

According to the most recent information shared by agency staff, EPA hired roughly 1,300 new people over the past year, but slightly more than that number left, so that the Agency was down 16 net FTE compared to one year ago.

This turnover rate is roughly double the average rate for the federal government, and about triple EPA's turnover rate from 5 years ago.

McCollum Q9: Why do you believe the Agency's turnover rate has increased so dramatically in this short period of time?

EPA Response: EPA's attrition rate has steadily declined since reaching a six-year peak of 7.8 percent in FY 2017. In FY 2018 it was 6.1 percent and in FY 2019 it was 5.6 percent. Currently, for FY 2020, EPA's attrition rate is only 2.9 percent.

Since the beginning of FY 2019, EPA has hired at an extremely high rate, onboarding over 1,300 new employees to the Agency. Despite this major effort, separations have nearly outpaced new hires resulting in minimal gains in overall headcount. The main factor contributing to separations is retirements. Thus far in FY 2020, approximately 72 percent of all attritions have been retirements. Currently, approximately 25 percent of all EPA employees are eligible to retire now with an additional 20 percent eligible within the next 5 years. EPA's data indicates that employees retire within 3 to 4 years of being retirement eligible. Additionally, 30 percent of the Agency's supervisors/managers and 45 percent of Senior Executive Service employees are eligible to retire.

McCollum Q10: What is being done to improve this situation?

EPA Response: Senior leaders are actively engaged on strategies to grow the Agency to full strength. Each program and Region has created (or is finalizing) a detailed hiring plan specifying hiring needs for the next 18 months. The plans specify external hiring objectives so that each office can track progress against its ceiling and prioritize bringing new talent into the Agency. EPA is engaging in proactive recruitment and outreach strategies to keep announcements posted continuously, coordinate needs across the Agency for critical, frequently filled positions, and connect with communities of interest.

EPA has increased use of non-competitive hiring authorities to 30 percent of all hires brought onboard. The Agency continues to leverage non-competitive Direct Hiring Authority (DHA) to recruit highly skilled candidates in STEM-related and IT-related fields. For example, the Agency hired 23 IT specialists leveraging this authority in FY 2019. EPA will continue to leverage the use of the DHA across IT specialist occupation categories in FY 2020 and FY 2021. In addition, EPA is maximizing the use of other non-competitive authorities to hire veterans, Peace Corps/AmeriCorps returning volunteers, and persons with disabilities.

The Agency's Human Resources Shared Service Centers (SSCs) are working actively to streamline hiring processes and improve tools, training, and resources support to Agency hiring managers. For example, the SSCs have developed standardized recruiting packages that have decreased the time to hire. Through the implementation of EPA's Lean Management System (ELMS), detailed data has been collected on staffing operations to identify opportunities for process improvements and provide data to hiring managers. These results are reviewed monthly across the Agency.

EPA has also worked diligently to create a positive work environment. The Agency's Federal Employee Viewpoint Survey index for Employee Engagement shows this index as a strength. EPA is working to be an employer of choice and has added an Employee Engagement team to focus on ensuring employees feel valued for their contributions. One member of the team is focused on creating positive work experiences for millennials and Gen Z once onboard to create a pipeline of future leaders.

EPA is also making good use of phased retirement, allowing recent retirees to return on a part time bases for the purpose of knowledge transfer and mentoring their successors. In

FY 2019, 24 retirees continued in these roles, however it is not enough to replace the 1,300 employees who left the Agency.

Additionally, the Office of Chemical Safety and Pollution Prevention (OCSPP) is establishing a new worksite at the Research Triangle Park Campus in North Carolina for more than 30 scientific positions across two branches supporting the Agency's Pesticides and Toxic Substances Control Act Programs. EPA hosted three webinars in April to promote the available positions and provide guidance on how to apply to Federal jobs on USA Jobs, position requirements, and federal benefits. EPA is also recruiting interdisciplinary scientists with backgrounds in toxicology, biology, chemistry, physical science, engineering, and epidemiology. Positions available include entry level positions that will review, research, and analyze data related to understanding the hazards, exposure, fate and transport, and the potential for exposure and risk during manufacture, processing, and use of chemicals, pesticides, nanomaterials and biological agents, and support risk management efforts.

In response to the Peace Corps decision to suspend all volunteer activities and mandate evacuations in response to COVID-19, EPA held a webinar on April 8th for nearly 350 recent Returning Peach Corps Volunteers (RPCVs) that highlighted the work of the Agency, current available jobs and locations, and how to apply. Currently, there are approximately 50 EPA jobs posted to the RPCV Career Link (40 posted since April 1st, pushing this initiative), including a general announcement for OCSPP TSCA related work. EPA has established a central email for all questions and applications and will monitor the status by reaching out to each POC listed on the vacancies as well as following up with the hiring managers. Further, in an effort to reach even more RPCVs or those who were unable to attend the webinar, Peace Corps will be posting a recording of the event on their website.

McCollum Q11: Should Congress provide additional resources and/or flexibilities to assist EPA in recruiting or retaining staff?

EPA Response: In the FY 2021 President's Budget, EPA has provided projected payroll and FTE levels as well as a proposal on direct hiring authority. In the future, there are some ways Congress could assist the Agency.

The FY 2020 appropriations bill presented a challenge for the agency due to the reduced funding provided in the Operations and Administration (O+A) program area, which includes the HR Management program project. That reduction was not reflected in the summer mark ups. While EPA prioritizes recruiting and retaining staff in this area, the agency needs time to modify contracts, many of which require months of advance coordination with vendors to scale down to levels such as those appropriated to O+A. Earlier notice of significant changes in resource levels would assist EPA with its plans to recruit or retain staff.

Further, Congressional assistance to EPA in the following ways could support staff recruitment and retention:

- **Congressional direction on staffing levels do not always follow appropriations levels, making it impossible to staff up to Congressional direction within available resources. Funding levels that match staffing levels would position EPA to meet hiring needs without jeopardizing ongoing program operations.**
- **Establishment of Direct Hiring Authority for a broader spectrum of STEM occupations, such as Environmental Engineers, would help to ensure a robust pipeline of specialized candidates to fill highly technical, difficult-to-fill vacancies.**

Questions from Representative Pingree

Energy Star Funding

Pingree Q1: In response to the Administration's 2020 budget, which sought to eliminate funding for popular programs like the Energy Star program, Congress directed the Agency to fund Energy Star at $38,379,000 for this fiscal year (FY20). Can you confirm the amount that has been spent on the Energy Star program to date? Does the Agency consider this an adequate amount of funding for the program to reach its goals of providing consumers with energy efficient products?

EPA Response: The FY 2020 budget did not propose to eliminate funding for the Energy Star program, rather it proposed to establish Energy Star as a fee-funded program. By administering the Energy Star program through the collection of user fees, EPA would continue to provide a trusted resource for consumers and businesses who want to purchase products that are energy-efficient, save money and help protect the environment. Entities participating in the program would pay a fee that would offset the costs for managing and administering the program.

As of mid-March 2020, EPA has spent approximately $11.5 million, or 30 percent, of the available FY 2020 appropriated funding on the Energy Star program. The FY 2020 funding amount aligns with funding typically provided for the program in recent years and will support the program in providing consumers with energy-efficient products.

Pingree Q2: Strong data is the foundation of all smart policy solutions. For too long, the recycling system in the United States has been characterized by its lack of reliable, comprehensive data. There is not good data on how many recycling programs currently operate in the United States, much less the amount of recyclable materials that is collected and processed from residential homes. In the wake of shifting global markets and an ever-increasing attention to circular and sustainable initiatives, countless efforts have emerged to improve and transform the recycling system in the United States.

Pingree Q2-1: How can EPA encourage the use of recycled materials, which would help development of domestic end-markets?

EPA Response: **Through the America Recycles Initiative, EPA is working collaboratively with stakeholders in four main action areas to encourage the use of recycled materials and address the challenges facing our U.S. recycling system: Promoting Education and Outreach, Enhancing Materials Management Infrastructure, Strengthening Secondary Material Markets, and Enhancing Measurement. Projects and activities are underway within each action area and are articulated in the *National Framework for Advancing the U.S. Recycling System*, which EPA released on November 15, 2019.**

EPA is uniquely positioned to encourage the use of recycled materials by (1) continuing leadership and facilitation of the America Recycles Network; (2) providing the public with high-quality data and information, technical assistance, and tools on resource conservation and recycling issues; and (3) supporting market development through the purchasing power of the federal government with EPA's Comprehensive Procurement Guidelines (CPG) program.

Pingree Q2-2: Are there ways EPA can work with agencies such as the DOE or DOT to encourage the purchase of materials with recycled content, such as speed bumps, caution cones, pallets, or storage bins?

EPA Response: **EPA's Comprehensive Procurement Guidelines (CPG) program provides guidelines for all federal agencies to encourage the purchase of materials with recycled content. Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S. Code 6962) requires EPA to designate items that are or can be made with recovered materials and recommends practices for buying these items. Once an item is designated, procuring agencies (using federal funds) are required to purchase it with the highest recovered material content level practicable. EPA intends to publish a non-rulemaking *Federal Register* Notice in 2020 to solicit comments on existing CPG product designations and recommended recycled-content levels, with no commitment to designate new items or change the recommended levels of recycled-content. Publishing the Notice will increase the awareness of government buy-recycled procurement programs and assist the Agency with determining whether future action is appropriate.**

EPA also has a representative on the Department of Energy's Reducing Embodied Energy and Decreasing Emissions (REMADE) in Materials Manufacturing Technical Advisory Committee, which provides advice and counsel on current, and upcoming projects, as well as technology priorities.

Pingree Q2-3: How can EPA help restore confidence in the recycling system?

EPA Response: **Recycling in the United States remains strong. The results being produced through the America Recycles Initiative are a great example of what can be achieved through collective action across the value chain. For example, in 2019 and 2020, EPA partnered with America Recycles Network stakeholders to hold several market development workshops across the country with attendees from state and local governments, recycled materials sorters and processers, manufacturers, economic**

development organizations, investors/banks, recycling organizations, and the commodity industry.

Pingree Q2-4:. Is there additional data that EPA could collect about the recycling system that would help businesses? Specifically, how can EPA help businesses understand where feedstock exists so that they can make informed, targeted investments to support domestic manufacturing?

EPA Response: EPA produces a variety of reports and engages in activities to measure the success of waste reduction and recycling programs across the country by characterizing our national waste stream and providing guidance on standardization of definitions and metrics. Two key reports include:

- ***Advancing Sustainable Materials Management: Facts and Figures Report*: This report has been published annually for approximately 30 years and addresses municipal solid waste (MSW) generation, recycling, composting, combustion with energy recovery and landfilling in the United States.**
- ***Recycling Economic Information (REI) Report*: This report provides estimates of the number of jobs, wages, and tax revenues created by recycling. EPA plans to release an updated edition of this report in 2020.**

EPA is working to develop and enhance underlying data about the recycling system. For example, EPA plans to support the enhancement of an existing map of recycling infrastructure that can help identify potential service gaps in collection and processing capabilities in the United States, which could be used to inform future investments.

EPA also plans to support the expansion of a web-based clearinghouse of recycling information currently being developed by the U.S. Chamber of Commerce Foundation. The clearinghouse will provide one-stop access to information on best practices, funding opportunities, tools and educational materials, research results, and government, business and community efforts. All of this information may be used to enhance infrastructure practices and help the country move toward a more resilient recycling system.

Pingree Q2-5: One of the most important aspects of the convening power of EPA is also as a participant in other industry convenings. Can EPA commit to continuing to participate in outside stakeholder industry events?

EPA Response: EPA will continue to participate in outside stakeholder industry events to the extent that resources and staff are available, and as the industry convenings are able to be held. In FY 2020, EPA was invited and participated in several stakeholder related events. EPA had committed to speak and/or attend several additional stakeholder industry events that have been cancelled due to COVID-19. EPA will be hosting the 2020 America Recycles Summit and Innovation Fair in November 2020, which will bring together the America Recycles stakeholders and the public to hear about progress made to-date as well as highlight innovation in the recycling system.

Cross-state Air Pollution

Pingree Q3: Cross state air pollution is a significant problem for my state of Maine. The vast majority of air pollution – in particular ozone – that my constituents are exposed to comes from "up wind sources" along the eastern seaboard. In short, Maine is on the receiving end of everyone else's air pollution, and as one effect, we have one of the highest rates of asthma in the country. The Cross-State Air Pollution rule was intended to address this. Last year's court ruling requires EPA to uphold this rule and set a date for when states have to adhere to federal air quality standards. When does the Agency plan to adopt and publish these federal "Good Neighbor" plans?

EPA Response: EPA is working diligently to address the remand in *Wisconsin v. EPA* and fully resolve Good Neighbor obligations for the 2008 ozone NAAQS in a timely manner. A schedule for these federal Good Neighbor plans will be announced in the forthcoming Spring 2020 Unified Agenda of Regulatory and Deregulatory Actions.

Pingree Q4: For three years in a row, EPA management decisions have drained staff and reallocated resources in a manner that hampers the EPA from fulfilling its obligations to the public.

Pingree Q4-1: Why did EPA's HR practices fail to increase the head count over the last 12 months?

EPA Response: EPA's attrition rate has steadily declined since reaching a six-year peak of 7.8 percent in FY 2017. In FY 2018 it was 6.1 percent and in FY 2019 it was 5.6 percent. Currently, for FY 2020, EPA's attrition rate is only 2.9 percent.

Since the beginning of FY 2019, EPA has been hiring at an extremely high rate, onboarding over 1,300 new employees to the Agency. Despite this major effort, separations have nearly outpaced new hires resulting in minimal gains in overall headcount. The main factor contributing to separations is retirements. Thus far in FY 2020, approximately 72 percent of all attritions have been retirements. Currently, approximately 25 percent of all EPA employees are eligible to retire now with an additional 20 percent eligible within the next 5 years. EPA's data indicates that employees retire within 3 to 4 years of being retirement eligible. Additionally, 30 percent of the Agency's supervisors/managers and 45 percent of Senior Executive Service employees are eligible to retire.

Pingree Q4-2: What is EPA's numeric hiring target for the next 30 days? How is management determining the list of positions for hiring in the next 30 days?

EPA Response: As of mid-March 2020, the Agency anticipated being able to onboard approximately 70 new employees in the next 30 days. This list is based on offers that have been made and accepted and have established Entrance on Duty dates. An additional 790 active recruit actions are in the pipeline, 156 of which have a named selectee and are pending security clearance. EPA anticipates being able to announce and make additional selections on a large portion of the remaining open recruit actions the next month.

Beyond the next 30 days, the Agency is using detailed hiring plans developed by each program and region to specify and prioritize hiring efforts for the next 18 months. The plans specify external hiring objectives so that each office can track progress against its ceiling and prioritize bringing new talent into the Agency. EPA is engaging in proactive recruitment and outreach strategies to keep announcements posted continuously, and coordinate needs across the Agency for critical, frequently filled positions, and connect with communities of interest.

Efforts towards achieving Agency hiring goals include increased use of Direct Hiring Authorities and other non-competitive authorities, as well as streamlined hiring processes and resources for hiring managers.

Pingree Q4-3: What are the three most successful specific steps Administrator Wheeler has taken to retain EPA employees in each EPA office in the last 6 months?

EPA Response: As has been reported, a significant portion of EPA's workforce is or will soon be retirement eligible. Given this reality, EPA is taking steps to maintain the current workforce by building employee engagement through meaningful performance management and ensuring access to necessary human capital resources.

In January 2020, the Agency created a Performance Management team to focus on creating a positive performance culture, ensure accountability, and create training content related to performance management. Pulling from best practices across the human resources sector, this team's efforts will lead to innovative strategies to continue to build employee engagement.

EPA is investing in technology and tools to allow for meaningful and more robust human capital management. For example, FedTalent serves as a valuable tool to assist with developing, delivering, and tracking high-impact training, which also supports managers' ability to manage performance and hold the workforce accountable. These resources foster employee engagement and meaningful connections between employees and supervisors. Additionally, EPA's Workforce Demographics and Diversity Dashboards afford leadership a strategic view of the Agency's workforce to support employees in ensuring staff skills are used most effectively, and in identifying and filling gaps to maintain consistency.

This year, the Agency will procure and deploy a performance management system that will allow the Agency to transition from paper to an automated process, making the performance management process more seamless and transparent for workforce engagement.

Annually, EPA reviews results of the Federal Employee Viewpoint Survey (FEVS), administered by the Office of Personnel Management (OPM). This Administration encourages all leaders, from senior leaders to first line supervisors, to seriously review results with staff to build on promising practices and respond to challenges appropriately.

Finally, EPA's efforts to continue hiring in order to meet established staffing ceilings is crucial in retaining employees to help ensure appropriate and sustainable workload distribution, as well as to provide for effective succession planning as retirement eligible staff leave the Agency. These hiring programs include leveraging direct hiring authority, a new Green Intern program, and reestablishing connections with universities and professional organizations.

Pingree Q4-4: Have staffing plans been created for each Region for this fiscal year? For the coming fiscal year? If so, please provide such plans for each Region.

EPA Response: Senior leaders are actively engaged on strategies to grow the Agency to full strength. Each program and Region have created (or is finalizing) a detailed hiring plan specifying hiring needs for the next 18 months. The plans specify external hiring objectives so that each office can track progress against its ceiling and prioritize bringing new talent into the Agency. EPA is engaging in proactive recruitment and outreach strategies to keep announcements posted continuously, coordinate needs across the Agency for critical, frequently filled positions, and connect with communities of interest.

EPA has enclosed, as examples, hiring plans for Regions 3 and 4.

EPA establishes FTE ceilings by program and region during the Operating Plan process. These FTE ceilings can be considered staffing plans and were submitted to the Committee as part of the FY 2020 Operating Plan. FY 2021 FTE ceilings will be developed following enactment of the FY 2021 Appropriations bills. Projected FTE levels for FY 2021 are included in the FY 2021 Budget Request by program and Region.

Questions from Representative Quigley

Data on pending and FTE's

Congressman Quigley's office asked Mr. Wheeler for a breakdown by program office for spending and FTE's for region 5. In our hearing, you and CFO Bloom said that you would be able to provide that information.

Quigley Q1: Please provide the spending break down and FTEs to Congressman Quigley's office and the Committee. Please provide a similar breakdown for each regional office.

EPA Response: See the enclosed table with the FY 2019 regional obligations by National Program and an additional table specific to Region 5.

Scott Pruitt

The tenure of Scott Pruitt was marred by scandal and inappropriate behavior. Mr. Pruitt flagrantly violated the public trust, abused the power of his office, and used public resources for his own personal benefit. In short, Scott Pruitt was the epitome of the Swamp the President likes so much to deride. An EPA inspector general report issued last May found that Mr. Pruitt spent

more $985 thousand dollars on travel in just a 10-month period between March and December 2017. The IG found that a litany of possible ethical violations by Mr. Pruitt and his round-the-clock security detail and that "actions are needed to strengthen controls over the EPA's travel and prevent fraud, waste and abuse." The IG also identified nearly $124 thousand dollars of taxpayer money that could be recovered from Mr. Pruitt for his inappropriate first-class travel.

Quigley Q2: Has that nearly $124 thousand dollars been recovered from Mr. Pruitt by EPA and if not, why not?

Quigley Q3: Do you think the American taxpayer should give Mr. Pruitt $124 thousand dollars so he can fly first-class instead of coach, in violation of EPA rules?

EPA Response to Q2-3: The nearly $124 thousand dollars was an estimate, of which half was estimated as relating to the former Administrator's protective service detail. In review of the actual costs attributable to the former Administrator, it was determined that no costs needed to be recovered. Proper justification of a security threat was documented. This justification met the requirements of Federal Travel Regulations.

Quigley Q4: What has Mr. Wheeler done in the last 10 months since the IG report was released to strengthen EPA's controls against fraud, waste and abuse- particularly as it related to travel and high-level political appointees?

EPA Response: EPA took immediate steps to strengthen the Agency's travel policy, *Resource Management Directive System 2550B, Official Travel,* to address recommendations from the Inspector General. The policy was issued on January 31, 2020. For example, any trip taken by the Administrator over $5,000 must be reviewed and approved by the Chief Operating Officer, the Chief Financial Officer, or the Administrator's Chief of Staff. Additional examples include:

- **Additional levels of controls for approval of Other Than Coach-Class Accommodations for all EPA employees;**
- **Requirement for justification of exceptions to the use of the GSA City Pair Program to be included within the Agency's travel system;**
- **Responsibility of all Agency employees to perform cost comparisons when traveling by alternative routes, to ensure the method of travel is most advantageous to the federal government.**
- **Updated Delegations of Authority for Domestic and International travel to provide clarification on the roles and responsibilities of travel authorizing officials at each level.**

Mercury and Clean Air

Mr. Wheeler's tenure at Environmental Protection Agency (EPA) seems to be defined by a concerted effort to make America's air, water, and land dirtier if doing so has any benefit at all to any corporation. Just in the last two weeks, the EPA has announced rollbacks of successful regulations of HFC's, a so-called climate 'super-pollutant', and, unbelievably, mercury pollution.

The mercury rule, or MATS rule, which EPA is in the process of finalizing, would prevent EPA from counting collateral benefits when it sets limits on toxic air pollutants. This would undercut the mercury regulation that have been overwhelmingly successful in in improving air, water, and even food quality and open the door to further rollbacks of regulations that have unequivocally benefited the American people. Mr. Wheeler's effort has been universally panned. Exelon, one of the nation's largest utilities and the chief power supplier for my district, has called this rollback "unnecessary, unreasonable, and universally opposed by the power generation sector." Yet Mr. Wheeler will move forward because doing so may benefit coal companies.

Quigley Q5: How is this rule in the best interest of the American people?

Quigley Q6: What should I tell my constituents that accuse of Mr. Wheeler of sacrificing their children's health for a few corporate profits?

Quigley Q7: Why is this not a blatant violation of the public trust and your agency's mission?

EPA response to Q5-7: On April 16, 2020, EPA corrected flaws in the 2016 Supplemental Cost Finding for the Mercury and Air Toxics Standards (MATS) for coal- and oil-fired power plants as directed by the U.S. Supreme Court. The Agency also completed the Clean Air Act-required residual risk and technology review (RTR) for MATS. Power plants are already complying with the 2012 MATS standards that limit emissions of mercury and other hazardous air pollutants (HAPs), and this final action leaves those emission limits in place. Under the action, EPA would not remove coal- and oil-fired power plants from the "list" of source categories for regulation under Clean Air Act section 112, so MATS would stay in place. This action does not revise, rescind, or replace the current standards.

The revised cost finding for MATS follows the law and was prompted by a flaw identified by the U.S. Supreme Court, which found that the Agency had not properly taken the cost of compliance into account when proposing regulation of HAPs emissions from coal- and oil-fired power plants in 2012. After losing at the Supreme Court, EPA then failed again to properly apply cost benefit principles in 2016. This final action re-evaluated how costs and benefits should have been considered and concluded that the projected compliance costs of MATS outweigh the projected monetized HAP-specific benefits by three orders of magnitude.

This is another example of the EPA, under the Trump Administration, following the law while making reasonable regulatory decisions that are fully protective of public health and the environment. All six of the criteria air pollutants have continued to decline under the Trump Administration.

Brownfields

Quigley Q8: The Environmental Protection Agency has repeatedly stated that Superfund cleanups are a priority. If so, why does the Administration's FY21 budget request cut funding for all types of cleanups by a total of $100 million?

For three years in a row, EPA management decisions have drained staff and reallocated resources in a manner that hampers the EPA from fulfilling its obligations to the public. The drain on EPA capacity is clear in its current staff counts, its enforcement staffing levels (and funding), and reorganization of Regional EPA Laboratories. I want to ask Mr. Wheeler about all three shrinking components of EPA basic capacity. All EPA Offices have lost engineers and scientists and have not replaced them. For example: Region 5 has lost over 120 engineers and scientists since 2017 to attrition and retirement. As of January 31, 2020, Region 5 is at all-time low of 938 full time employees, and has declined, not improved since the all-time low of 941 was reported at the end of the 2019 Fiscal year five months ago.

EPA Response: The EPA's FY 2021 Budget Request includes over $1 billion in the Superfund account to continue progress to revitalize lands. Annual appropriations are just one source of funding to help facilitate the cleanup and restoration of contaminated lands. Superfund site cleanup may be accomplished using multiple funding sources, including funding provided by Congress, states (*e.g.*, Superfund state cost share), funding in special accounts provided by potentially responsible parties (PRPs) through settlement agreements for specified sites, or PRPs performing the cleanup themselves.

The Superfund Enforcement program continues to maximize PRP participation at every point in the cleanup process. By holding responsible parties accountable, EPA helps preserve taxpayer funds for the cleanup of sites with no viable PRPs. In 2019, the Superfund Enforcement program secured private party commitments for $961 million in new site cleanup work and payment of EPA oversight costs. EPA expects the Superfund Enforcement program to continue to maximize potentially responsible party participation in the cleanup process in FY 2021.

In addition, the Agency has worked to improve the efficiency of the Superfund program. For example, over the past two years, EPA's Superfund Task Force worked to improve the Agency's implementation of the Superfund program in order to accelerate cleanups and shorten the path to redevelopment and safe, productive reuse. EPA continues to implement the Task Force improvements and performance measures to track how those changes improve the Superfund program.

Quigley Q10: Last year Mr. Wheeler testified that he personally talked with the EPA HR Director about efforts to speed up hiring. Why did the EPA's HR practices fail to increase the head count over the last 12 months? What is your numeric hiring target for the next 30 days? How specifically will you achieve that goal? How is management determining the list of positions for hiring in the next 30 days?

EPA Response: EPA's attrition rate has steadily declined since reaching a six-year peak of 7.8 percent in FY 2017. In FY 2018 it was 6.1 percent and in FY 2019 it was 5.6 percent. Currently, for FY 2020, EPA's attrition rate is only 2.9 percent.

Since the beginning of FY 2019, EPA has been hiring at an extremely high rate, onboarding over 1,300 new employees to the Agency. Despite this major effort, separations have nearly outpaced new hires resulting in minimal gains in overall headcount. The main factor

contributing to separations is retirements. Thus far in FY 2020, approximately 72 percent of all attritions have been retirements. Currently, approximately 25 percent of all EPA employees are eligible to retire now with an additional 20 percent eligible within the next 5 years. EPA's data indicates that employees retire within 3 to 4 years of being retirement eligible. Additionally, 30 percent of the Agency's supervisors/managers and 45 percent of Senior Executive Service employees are eligible to retire.

Senior leaders are actively engaged on strategies to grow the Agency to full strength. Each program and Region has created (or is finalizing) a detailed hiring plan specifying hiring needs for the next 18 months. The plans specify external hiring objectives so that each office can track progress against its ceiling and prioritize bringing new talent into the Agency. EPA is engaging in proactive recruitment and outreach strategies to keep announcements posted continuously, coordinate needs across the Agency for critical, frequently filled positions, and connect with communities of interest.

EPA has increased use of non-competitive hiring authorities to 30 percent of all hires brought onboard. The Agency continues to leverage non-competitive Direct Hiring Authority (DHA) to recruit highly skilled candidates in STEM-related and IT-related fields. For example, the Agency hired 23 IT specialists leveraging this authority in FY 2019. EPA will continue to leverage the use of the DHA across IT specialist occupation categories in FY 2020 and FY 2021. In addition, EPA is maximizing the use of other non-competitive authorities to hire veterans, Peace Corps/AmeriCorps returning volunteers, and persons with disabilities.

The Agency's Human Resources Shared Service Centers (SSCs) are working actively to streamline hiring processes and improve tools, training, and resources support to Agency hiring managers. For example, the SSCs have developed standardized recruiting packages that have decreased the time to hire. Through the implementation of the EPA Lean Management System, detailed data has been collected on staffing operations to identify opportunities for process improvements and provide data to hiring managers. These results are reviewed monthly across the Agency.

As of mid-March 2020, the Agency anticipated being able to onboard approximately 70 new employees in the next 30 days. This list is based on offers that have been made and accepted and have established Entrance on Duty dates. An additional 790 active recruit actions are in the pipeline, 156 of which have a named selectee and are pending security clearance. EPA anticipates being able to announce and make additional selections on a large portion of the remaining open recruit actions the next month. Beyond the next 30 days, the Agency is using detailed hiring plans developed by each program and region to specify and prioritize hiring efforts for the next 18 months.

Efforts towards achieving Agency hiring goals include increased use of Direct Hiring Authorities and other non-competitive authorities, as well as streamlined hiring processes and resources for hiring managers.

Additionally, the Office of Chemical Safety and Pollution Prevention (OCSPP) is establishing a new worksite at the Research Triangle Park Campus in North Carolina for more than 30 scientific positions across two branches supporting the Agency's Pesticides and Toxic Substances Control Act Programs. EPA hosted three webinars in April to promote the available positions and provide guidance on how to apply to Federal jobs on USA Jobs, position requirements, and federal benefits. EPA is also recruiting interdisciplinary scientists with backgrounds in toxicology, biology, chemistry, physical science, engineering, and epidemiology. Positions available include entry level positions that will review, research, and analyze data related to understanding the hazards, exposure, fate and transport, and the potential for exposure and risk during manufacture, processing, and use of chemicals, pesticides, nanomaterials and biological agents, and support risk management efforts.

In response to the Peace Corps decision to suspend all volunteer activities and mandate evacuations in response to COVID-19, EPA held a webinar on April 8th for nearly 350 recent Returning Peach Corps Volunteers (RPCVs) that highlighted the work of the Agency, current available jobs and locations, and how to apply. Currently, there are approximately 50 EPA jobs posted to the RPCV Career Link (40 posted since April 1st, pushing this initiative), including a general announcement for OCSPP TSCA related work. EPA has established a central email for all questions and applications and will monitor the status by reaching out to each POC listed on the vacancies as well as following up with the hiring managers. Further, in an effort to reach even more RPCVs or those who were unable to attend the webinar, Peace Corps will be posting a recording of the event on their website.

Quigley Q11: What are the three most successful specific steps Administrator Wheeler has taken to retain EPA employees in each EPA office in the last 6 months? Have staffing plans been created for each Region for this fiscal year? For the coming fiscal year? If so, please provide such plans for each Region. If not, why not?

<u>EPA Response:</u> As has been reported, a significant portion of EPA's workforce is or will soon be retirement eligible. Given this reality, EPA is taking steps to maintain the current workforce by building employee engagement through meaningful performance management and ensuring access to necessary human capital resources.

In January 2020, the Agency created a Performance Management team to focus on creating a positive performance culture, ensure accountability, and create training content related to performance management. Pulling from best practices across the human resources sector, this team's efforts will lead to innovative strategies to continue to build employee engagement.

EPA is investing in technology and tools to allow for meaningful and more robust human capital management. For example, FedTalent serves as a valuable tool to assist with developing, delivering, and tracking high-impact training, which also supports managers' ability to manage performance and hold the workforce accountable. These resources foster employee engagement and meaningful connections between employees and supervisors.

Additionally, EPA's Workforce Demographics and Diversity Dashboards afford leadership a strategic view of the Agency's workforce to support employees in ensuring staff skills are used most effectively, and in identifying and filling gaps to maintain consistency.

This year, the Agency will procure and deploy a performance management system that will allow the Agency to transition from paper to an automated process, making the performance management process more seamless and transparent for workforce engagement.

Annually, EPA reviews results of the Federal Employee Viewpoint Survey (FEVS), administered by the Office of Personnel Management (OPM). This Administration encourages all leaders, from senior leaders to first line supervisors, to seriously review results with staff to build on promising practices and respond to challenges appropriately.

Finally, EPA's efforts to continue hiring in order to meet established staffing ceilings is crucial in retaining employees as it ensures appropriate and sustainable workload distribution, as well as effective succession planning as retirement eligible staff leave the Agency. These hiring programs include leveraging direct hiring authority, a new Green Intern program, and reestablishing connections with universities and professional organizations.

Relocation & Closure of EPA Laboratories

In addition to historically low staff counts, and persistent budget cuts to EPA enforcement staff positions, EPA has proposed the relocation and closure of EPA laboratories across the country including in: Gross Ile, Michigan; Chelmsford, Massachusetts; Athens, Georgia; Wheeling, West Virginia and Houston, Texas. In fact, the Houston, Texas EPA Laboratory is a hub of soil and water testing for all of Region 6, is slated to close in 2020. The Administration has proposed relocating all EPA members at the laboratory to Ada, Oklahoma without preserving the regional hub. EPA's Office of Inspector General notified the Agency on October 16, 2019, of an audit for the laboratory closures in Athens, Georgia; Corvallis, Oregon; and Grosse Ile, Michigan.

Quigley Q12: Rep. Dingell and Rep. Talib sent a letter to the EPA on December 11, 2019 regarding the EPA's proposed move of the Grosse Ile Laboratory to a facility in Ann Arbor with inadequate infrastructure for the research functions. When will the EPA respond to the Dec 11 letter?

EPA Response: The Agency provided a comprehensive response on April 23, 2020. We look forward to continuing to work with your staff to provide any additional information as appropriate.

Funding and Water Quality

The Great Lakes Restoration Initiative (GLRI) accelerates efforts to protect and restore the largest system of fresh surface water in the world – the Great Lakes. In a bipartisan effort, the House voted to continue the GLRI finding through 2026. However, the Great Lakes National Program Office is not fully staffed at 70+ employees and is hovering at approximately 50+ employees.

Quigley Q13: What is the rationale for increasing the GLRI funding, without a commensurate increase in the staffing level? How will an expanded GLRI program be implemented if staffing does not keep pace with program funding levels?

EPA Response: The EPA's FY 2021 Budget Request for the Great Lakes Restoration Initiative (GLRI) includes funding to provide enough staff to run the Great Lakes National Program Office (GLNPO). My priority as Administrator is to ensure that EPA programs have the personnel and resources needed to accomplish our work. We must recruit the best talent to join our Agency. Managing the EPA's workforce is less about a specific number and more about ensuring the Agency has qualified staff in the right positions to ensure we advance our mission of protecting human health and the environment.

State Water Infrastructure Funding

The Environmental Protection Agency is proposing cuts of $1.39 billion (31%) to support clean and safe water. The cuts include $782 million (28%) from support for revolving loan funds to support infrastructure for water treatment.

Quigley Q14: Why is the Environmental Protection Agency making it more expensive for municipalities to afford infrastructure at a time when they have so many pressing infrastructure needs on their plate?

EPA Response: The Administration strongly supports improving the nation's water infrastructure. The EPA's FY 2021 Budget Request is a significant national investment requesting funding for major infrastructure programs, including:

- **Nearly $2 billion in funding for the State Revolving Funds (SRFs);**
- **$25 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program that could potentially provide $2 billion in credit assistance, which could spur an estimated $4 billion in total water infrastructure investment;**
- **$35 million for programs supporting implementation of the Water Infrastructure Improvement for the Nation (WIIN) Act of 2016; and**
- **$82 million for America's Water Infrastructure Act of 2018 (AWIA) programs that support water infrastructure.**

This funding will promote and leverage water infrastructure improvements in municipalities across the nation.

State Program Funding and Air Quality

Part of the Environmental Protection Agency's mission is "to protect air quality," yet the FY21 budget request proposes 46% drop in support for funding programs that protect that purpose, and notably a 44% cut in state, local, and tribal air quality management programs.

Quigley Q15: How can the EPA tout principles of cooperative federalism and simultaneously undermine them by not providing nearly enough resources for states to conduct their own air quality programs?

EPA Response: EPA works to support strong partnerships with state, local, and tribal air agencies. The EPA's FY 2021 Budget Request provides federal resources to support state, local, and tribal efforts to implement programs that align with core clean air statutory requirements.

Superfund Budget

The EPA has repeatedly stated that cleanup of Superfund sites is a major priority. The Trump Administration has built up the biggest backlog of unfunded toxic Superfund clean-up projects in at least 15 years, nearly triple the number that were stalled for lack of money in the Obama era, according to 2019 EPA figures. The accumulation of Superfund projects that are ready to go except for money comes as the Trump Administration routinely proposes funding cuts for Superfund and for the EPA in general. The Superfund program is meant to tackle some of the most heavily contaminated sites in the U.S. and Trump has declared it a priority even while seeking to shrink its budget

Quigley Q16: If cleanup of Superfund sites is a true priority of the EPA, why has the Administration proposed cuts to the program budget two years in a row?

EPA Response: The Superfund Enforcement program continues to maximize potentially responsible parties (PRP) participation at every point in the cleanup process. By holding responsible parties accountable, EPA helps preserve taxpayer funds for the cleanup of sites with no viable PRPs. In FY 2019, the Superfund Enforcement program secured private party commitments for $961 million in new site cleanup work and payment of EPA oversight costs. EPA expects the Superfund Enforcement program to continue to maximize PRP participation in the cleanup process in FY 2021.

With the funding that was available in FY 2019, EPA and other project leads started 65 new remedial construction projects and conducted construction and oversight at 477 ongoing construction projects. Of the more than 1,300 sites on the National Priorities List (NPL), the 34 sites with projects awaiting funds at the end of FY 2019 represent approximately 2.5 percent of the NPL. EPA has already expended funds on investigation and cleanup activities for all 34 sites with projects currently awaiting funding. In addition, 26 of the 34 sites have a previously implemented remedial action.

In addition, the Agency has worked to improve the efficiency of the Superfund program. For example, over the past two years, EPA's Superfund Task Force worked to improve the Agency's implementation of the Superfund program in order to accelerate cleanups and shorten the path to redevelopment and safe, productive reuse. EPA continues to implement the Task Force improvements and performance measures to track how those changes improve the Superfund program.

The FY 2021 Budget Request includes over $1 billion in the Superfund account to continue progress to revitalize lands. Annual appropriations are just one source of funding to help facilitate the cleanup and restoration of contaminated lands. Superfund site cleanup may be accomplished by multiple funding sources, including funding provided by Congress and by states (*e.g.*, Superfund state cost share), funding in special accounts provided by PRPs through settlement agreements for specified sites, or PRPs performing the cleanup themselves.

Quigley Q17: Given the prevalence of "pending federal funding" messages delivered to communities with Superfund sites across the country, what is the total acreage of Superfund sites with cleanup delays? What percentage of total Superfund sites are experiencing cleanup delays? What is the basis for requesting an additional 9% decrease in funding from the prior year's FY 2020 budget in light of this widespread clean up delay?

EPA Response: There is no widespread cleanup delay. With the funding that was available in FY 2019, EPA and other project leads started 65 new remedial construction projects and conducted construction and oversight at 477 ongoing construction projects. Of the more than 1,300 sites on the National Priorities List (NPL), the 34 sites with projects awaiting funds at the end of FY 2019 represent approximately 2.5 percent of the NPL. EPA has already expended funds on investigation and cleanup activities for all 34 sites with projects currently awaiting funding. In addition, 26 of the 34 sites have a previously implemented remedial action. EPA does not routinely collect information on the acreage of land that requires cleanup. The circumstances of site contamination are dynamic and subject to change over time as individual investigation and cleanup projects are undertaken at each site.

Quigley Q18: Why has EPA neglected this site? What is EPA's comprehensive solution to protect the public and Detroit River?

The 10 Mile Drain, St. Clair Michigan site was placed on the Superfund list 10 years ago. There are known hazardous levels of PCBs in residential yards. The remedial design has not been completed. EPA's website says, "EPA plans to complete remedial design sampling in Spring 2020 with remedial action anticipated to commence pending availability of federal funding."

EPA Response: EPA has already taken several important actions to address the contamination issues at the DSC McLouth Gibraltar site. In June 2015, EPA initiated a time-critical removal action at the Tandem Mill Pond at the DSC McLouth Gibraltar site to draw down the pond because hazardous leachate was threatening to overflow into nearby waterways.

EPA started a site-wide remedial investigation in 2015 to investigate the nature and extent of contamination at the site. In 2016, EPA signed an interim Record of Decision (ROD) requiring the Tandem Mill Pond to be pumped down as needed to prevent the overflow of hazardous leachate. Once the site-wide remedial investigation is complete and culminates in a selected remedy, EPA will begin design and implementation of the remedy.

EPA continues to work collaboratively with the Michigan Department of Environment, Great Lakes, and Energy to find long-term solutions to the contamination at the site, including PFAS.

EPA also continues to explore opportunities to expedite cleanup and conduct early actions, similar to those conducted at Tandem Mill Pond. EPA maintains the authority to respond to immediate threats and will do so as needed.

Quigley Q19: When will there be available funding to address the comprehensive issues at 10 Mile Drain, St. Clair Michigan site? Will this site's funding receive part of the Administration's proposed 9% cut to Superfund?

McLouth Trenton Site is a pressing Superfund Site in Southeast Michigan with hazardous waste entering into the environment.

EPA Response: **EPA has already taken several important actions to address the contamination issues at the Ten-Mile Drain Superfund Site. In 2011, EPA signed an interim ROD, under which EPA conducts ongoing bi-monthly source control activities within the Ten Mile drain storm sewer system. These source control activities include monitoring, placement of absorbent snares to soak up oil and slow or stop the movement of PCB contamination, and periodic removal and proper disposal of saturated snare and contaminated sediments. In 2014, EPA signed a second interim ROD, under which EPA excavated the two locations within the storm sewer system pipe which had the highest concentrations of PCB source materials, with that work completed in 2015-2016. EPA also conducted a time-critical removal action in 2015, under which EPA excavated PCB-contaminated soil from ten properties (including eight parkways, one residential yard, and part of a commercial property).**

In 2018, EPA signed a final ROD for the remaining near-surface soil contamination at residential/commercial properties. That soil cleanup will use congressionally appropriated funding to initiate cleanup. These construction projects result when a PRP is not found or cannot pay, and no other funding sources are available.

When EPA funds new construction projects, it has and will continue to prioritize those sites that present the greatest risk to human health and the environment. EPA evaluates the list of cleanup projects pending federal funding each year to assess and prioritize upcoming new construction projects using relative risk criteria and the availability of funding. EPA maintains the authority to respond to and fund emergencies at any site if there is an imminent threat to human health and the environment.

Quigley Q20: With the two previous five and ten year-old contaminated Superfund sites backlogged (see Quigley Q19 & Q20), what is the likelihood of a new Superfund Site like McLouth in Trenton, Michigan being adequately funded? Can the Agency commit to starting the Remedial Investigation for the McLouth Trenton Site next year?

EPA Response: The DSC McLouth Trenton site was added to the NPL in May 2019 and is expected to require a fund-lead remedial investigation. EPA is committed to initiating investigations at sites as soon as possible after they are listed on the NPL. Assuming availability of federal funding, EPA expects to initiate the remedial investigation for the DSC McLouth Trenton site in FY 2021.

Budget and Enforcement

Inspections by EPA staff are a critical tool and the place where a strong enforcement program begins. However, the EPA conducted only 8911 inspections in FY 2019, the lowest in 27 years (since 1994). EPA did not record inspection numbers before 1994, so FY 2019 inspections were the lowest inspection counts on record. The number of inspections in FY 2019 fell 17 percent from FY 2018 and 58 percent from its highest recorded in 2010.

Quigley Q21: Given that there is a link between a reduction to the enforcement budget and a reduction in enforcement, how can the Administration's 7% cut to the enforcement budget be justified?

EPA Response: EPA always endeavors to make effective and efficient use of all resources it receives to protect the health and safety of the public and the environment. EPA will continue to focus its enforcement and compliance assurance resources on the most serious environmental violations that are described in EPA's National Compliance Initiatives. In FY 2021, the Agency expects to perform at the same high level that brought substantial results in FY 2019, including securing some of the highest combined administrative, civil, and criminal fines in the last decade, increasing criminal enforcement statistics across the board, and encouraging a record number of voluntary disclosures.

It is important to note that some of the statistics described in the question do not correspond to EPA's records. Specifically, EPA conducted 10,320 inspections and evaluations in FY 2019 (on-site and off-site), a small drop of less than 4 percent (not 17 percent as indicated in the introduction) from FY 2018, and a lesser drop of 51 percent (not 58 percent as indicated in the introduction) from FY 2010. There was a 35.3 percent reduction in the number of inspections between 2010 and 2016. Moreover, FY 2010 is not the year with the highest number of inspections and evaluations. That distinction occurred in FY 2006 with 23,231 inspections and evaluations reported by EPA. There was a 40.8 percent drop in inspections between that date and 2016 (*see* EPA's FY 2019 Enforcement and Compliance Annual Results presentation, https://www.epa.gov/sites/production/files/2020-02/documents/fy19-enforcement-annual-results-data-graphs.pdf).

Quigley Q22: Administrator Wheeler has argued that measures other than those tracked by the EPA Enforcement and Compliance History Online website (ECHO) are relevant to measuring

enforcement. Are any other measures are being tracked by this Administration in assessing regional enforcement and compliance assurance performance other than those included in ECHO? When will the Administration be releasing the results of the collection of that data?

EPA Response: In addition to ECHO, the Office of Enforcement and Compliance Assurance (OECA) is currently using the following measures to evaluate and track regional enforcement and compliance efforts:

Self-Disclosed Violation Policies

In 2019, OECA continued to see an increase in the number of entities, including new owners, utilizing its self-disclosed violation policies that encourage regulated entities to voluntarily discover, disclose, and correct violations of federal environmental laws and regulations. Specifically, in FY 2019, 635 entities with over 1,900 facilities voluntarily disclosed violations pursuant to self-disclosure polices, which expedited their return to compliance. These voluntary disclosures in FY 2019 represented an estimated 20 percent increase compared to FY 2018.

State Assists

OECA tracks "State Assists," which are defined as those instances where EPA has expended a meaningful level of effort to identify a violation, develop the injunctive relief, or help the state take an action to remedy a violation. In short, a State Assist is any instance where the state would not have taken an action without EPA's help. This same information was provided to Committee staff on March 3, 2020.

Summary of 2019 State Assists by EPA Region

Region	1	2	3	4	5	6	7	8	9	10	HQ	TOTAL
2019	4	3	8	21	6	0	0	1	10	10	0	63

State Dashboards in ECHO

The State Dashboards provide an overview of regulatory oversight activities of authorized state agencies and EPA. The dashboards provide an easy-to-use summary of key activities to answer questions such as which facilities are regulated, how many have been inspected, how many have alleged violations, and how many enforcement actions have been taken (*see* https://echo.epa.gov/trends/comparative-maps-dashboards/state-water-dashboard).

Quigley Q23: Explain how the Administration's cuts to the enforcement budget will help EPA increase inspections and reduce the threat to public health and the environment.

EPA Response: EPA will continue to use data analytics and other tools to target inspections effectively and increase efficiency. This allows EPA to focus its resources on the most serious environmental violations that are described in EPA's National Compliance Initiatives. EPA conducted 10,320 inspections in FY 2019, which is a small decrease from 10,733 inspections in FY 2018. Inspections conducted by EPA represent a fraction of the total number of inspections conducted in the Clean Water Act, Clean Air Act, and hazardous waste programs that are implemented by the states. For example, in 2019, states

reported 34,553 inspections of National Pollutant Discharge Elimination System (NPDES) permitted facilities regulated under the Clean Water Act.

Regional Office Enforcement Budgets

Each EPA Regional Office is primarily responsible for enforcement of federal environmental law in the states covered by it. Enforcement is down to historic low numbers, and the budget cut to enforcement programs will only serve to further exacerbate the situation. There has been a significant decline in environmental enforcement over the past 3 years.

Quigley Q24: The Administration has said that enforcement has been deferred to the states as a result of cooperative federalism- How does the Administration track this?

EPA Response: As Administrator, I have not said that enforcement has been deferred to the states, and the Agency under this Administration has not deferred enforcement to the states. Enforcement is a shared responsibility. Where authorized by statute, such as the Clean Water Act, Resource Conservation and Recovery Act, Safe Drinking Water Act, and Clean Air Act, EPA approves state programs to operate in lieu of federal programs or delegates federal authority to state agencies. The Agency retains an oversight responsibility and the authority to bring enforcement actions itself. EPA embraces effective partnerships and collaboration with states, local governments, and tribes to implement authorized or delegated programs to protect human health and the environment, using the combined resources of EPA and the states. EPA's efforts to enhance those partnerships are described in a July 2019 policy entitled, "Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work," which asserts in part:

"Cooperative, periodic, and early joint planning and regular communication between the EPA and states is essential to promote enhanced, *shared accountability* between federal and state enforcement authorities. [at p. 2, emphasis added]

Joint planning should include a strategic element that …. should include a discussion of: (1) the environmental compliance problems and needs in the state; (2) national, regional, and state compliance assurance priorities; (3) emerging issues; and (4) *how the combined resources of the EPA and the state could be used* to address these needs [at p. 3, emphasis added]."

States are required to provide EPA with information with respect to some of their enforcement activities in delegated or authorized programs. For example, under the Clean Water Act National Pollutant Discharge Elimination System (NPDES) program, authorized states are required to share basic information on permittees, the compliance monitoring data submitted by permittees, and actions taken by authorized states to ensure compliance (*e.g.*, inspections and enforcement actions). EPA's regulations require authorized states to share this NPDES program data in a manner that is timely, accurate, complete, and consistent with EPA's national NPDES data system. EPA makes much of this data available to the public through its ECHO website, including summary results on the "State Dashboards" pages (discussed in EPA's Response to Question 22).

In addition to this routine data tracking, EPA also routinely conducts state reviews of three major environmental programs every five years. Under the State Review Framework, EPA regional offices review state activities related to the Clean Water Act NPDES program, the Clean Air Act Stationary Source Program, and the Hazardous Waste program in the Resource Conservation and Recovery Act. These reviews include a review of state activities such as inspections, enforcement activities, and data collection.

Quigley Q25: How does the Administration determine if an enforcement action it has deferred to the state has been adequately enforced?

EPA Response: EPA continues to carry out its statutory oversight responsibilities where a state has been authorized or delegated authority to implement a federal environmental program. This oversight is conducted through several means, including regular communication between EPA regional offices and states to discuss compliance and enforcement issues; joint planning meetings, as called for by the July 2019 Partnerships Policy (discussed in EPA's Response to Question 24); and periodic program evaluation reviews according to EPA's State Review Framework (*see* https://www.epa.gov/compliance/state-review-framework-compliance-and-enforcement-performance). Where requested, the Agency also provides assistance to states to properly return violators to compliance. In addition, EPA follows up with states regarding State Assists that involve significant matters, such as: high priority violations, significant noncompliance, or significant risks, to ensure appropriate progress and outcomes.

Quigley Q26: In light of the historic low staff count, and a track record of failure to fill staff positions, why did the Trump Administration propose to reduce each Region's enforcement budget by 7% and staff nationwide by over 2000 full time employees?

EPA Response: Congress did not appropriate the funds necessary for the higher FTE levels that your question is predicated on. The FTE level in the EPA's FY 2021 Budget Request provides the necessary personnel to enable EPA to support its core mission and fulfill statutory obligations while protecting human health and the environment. The Budget Request supports the President's goal of a more effective and efficient government for the American people. The Budget Request also supports core statutorily required environmental programs.

Quigley Q27: What is the EPA strategy to assure that EPA keeps its oversight and enforcement functions from slipping further past already the lowest rate in the previous 5 administrations?

EPA Response: The premise that EPA's enforcement data is down to a historic low is incorrect, and EPA's environmental enforcement remains robust. EPA focuses its enforcement and compliance assurance resources on the most serious environmental violations, as described in EPA's National Compliance Initiatives. In FY 2019, EPA assessed over $360 million in federal administrative and civil judicial penalties, which exceeds the annual penalty values assessed in all but three of the past ten years, and those exceptions were largely due to specific large cases, such as the Volkswagen emissions-

cheating cases. Criminal enforcement increased in FY 2019 in all eight tracked categories, including the number of cases opened, the number of defendants charged, and the lengths of sentences, for the first time since 2011. The number of self-disclosures has also dramatically increased since FY 2015, with 635 entities with over 1,900 facilities voluntarily disclosing violations in FY 2019.

Additionally, EPA is strengthening the quality and efficiency of its inspection program through development and deployment of a suite of software and hardware tools for use by inspectors as they conduct their inspections in the field. Known as Smart Mobile Tools for Field Inspectors ("Smart Tools"), EPA has collaborated with states to design and develop the software, which documents the inspectors' observations on facility compliance status.

EPA also continues to perform its oversight responsibilities where a state has been authorized or delegated authority to implement a federal environmental program, as discussed in EPA's Response to Question 25.

2019 AFGE Unilateral 'Contract'

In addition to the sub-optimal staff count, the mass relocation of EPA laboratories, in some cases to less appropriate facilities, the Administration's 2019 unilateral contract has eliminated flexible place and schedule options for EPA AFGE staff. It is impeding the union's ability to discharge their representational duties on behalf of fellow employees as authorized by 5 U.S.C. § 7131. The limitations have also deprived employees of union grievance and arbitration processes for numerous adverse actions and deprived AFGE of access to means of communicating with its members, including via websites, agency intranet, and even cork bulletin boards.

EPA Comment: The Committee provided the three questions below listed as "Quigley Q28" and we have responded to those as: Q28-1, Q28-2, and Q28-3.

Quigley Q28-1: These restrictions have no doubt affected agency efficiency by adding to the staff workload while constraining and limiting work-life balance and morale. In light of the deep cuts to staff count as of July 8th, the budget allocation for enforcement staff and EPA laboratories, what rationale did the Administration use, and what data was used to make the decision, to eliminate the AFGE existing contract and impose the Agency's unilateral contract on July 8th?

EPA Response: EPA and AFGE agreed on December 5, 2019, to continue the negotiation. The Agency is dedicated to bargaining in good faith. As of mid-March 2020, EPA and AFGE have agreed to 11 of the 15 articles that are open, and the Agency is hopeful that AFGE will agree to complete mediation on the remaining 4 articles that are open and meet our agreed upon April 15, 2020 deadline. If necessary, the Agency will work with the Federal Service Impasses Panel to address any impasses so that we may complete these negotiations for the benefit of our employees and the American public.

EPA and AFGE bargained for over 12 years before the Agency implemented the July 8, 2019 collective bargaining agreement. This collective bargaining agreement was only

implemented after AFGE refused, in writing, to negotiate with the Agency. EPA subsequently informed AFGE that it would implement the new collective bargaining agreement in two weeks. Included in the Agency's notice was a copy of the draft collective bargaining agreement. AFGE did not request to bargain and failed to represent their members at the negotiation table. Please see the below timeline for additional information related to the EPA's decision to implement the new collective bargaining agreement.

- **Prior to May 2018 – From 2010-January 2016, EPA and AFGE negotiated 5 articles resulting in an agreement in January 2016. In February 2016, AFGE notified EPA that their membership did not ratify the contract, sending the parties back to the negotiating table. From February 2016 – April 2018, the parties were in litigation regarding several contractual issues, including the scope of negotiations and allegations of bad-faith bargaining.**
- **May 25, 2018 – President Trump issued three Executive Orders (13836, 13837 and 13839) pertaining to collective bargaining, taxpayer funding of union activities, and employee accountability.**
- **May 31, 2018 – The Agency gave AFGE notice to renegotiate the entire 2007 Master Collective Bargaining Agreement (MCBA), consistent with the direction of EO 13836.**
- **June 2, 2018 – September 25, 2019 – The Agency negotiated ground rules with AFGE. A Federal Mediation and Conciliation Service (FMCS) mediator participated, but the parties could not agree on the scope of negotiations.**
- **June 27, 2018 – AFGE notified the Agency that it now ratified the contract which it had failed to ratify in 2016. The Agency did not recognize the ratification as legitimate.**
- **July 25, 2018 – The Agency sent AFGE a memorandum describing its position that all articles in the MCBA were subject to negotiation. AFGE asserted that only five articles—previously opened pursuant to 2013 Ground Rules—were subject to negotiation.**
- **August 21, 2018 – AFGE filed a grievance because the Agency declined to recognize AFGE's June 2018 ratification as legitimate. The Agency responded on August 30, 2018.**
- **October 10, 2018 – The Agency withdrew from permissive subjects of bargaining in the MCBA, which was predicated on the Agency's May 31, 2018 notice to renegotiate the 2007 MCBA.**
- **November 8, 2018 – AFGE filed a grievance on the Agency's October 10, 2018 notice, which was predicated on the May 31, 2018 notice to bargain the entire MCBA. The Agency responded on December 10, 2018.**
- **February 22, 2019 – The Agency and AFGE held an arbitration hearing on the Agency not recognizing the Union's June 27, 2018 ratification attempt, submitting briefs on March 17, 2019.**
- **May 2, 2019 – The Agency won an arbitrator's award, which found that AFGE's June 27, 2018 attempted ratification was ineffective.**
- **May 28, 2019 – AFGE withdrew its November 8, 2018 grievance that was predicated on the Agency's May 31, 2018 notice to bargain the entire MCBA, seemingly conceding the Agency's argument that the entire MCBA was open.**
- **May 29, 2019 – AFGE's then-Chief Negotiator told the Agency that AFGE "is not conceding the argument that the May 31, 2018 notice is invalid."**

- **<u>June 12, 2019</u> – On the eve of when it had agreed to submit and discuss ground rules proposals, AFGE informed the Agency that its long-time Chief Negotiator was removed, and an EPA employee was identified its new Chief Negotiator.**
- **<u>June 17, 2019</u> – In a conversation and follow up email with AFGE's new Chief Negotiator, the Agency's Chief Negotiator explained that the Agency was maintaining its position that the entire MCBA was subject to renegotiation, and that the Agency proposed a new collective bargaining agreement with just the fourteen articles identified in the Agency's May 31, 2019 Ground Rules. The Agency explained that if AFGE would not agree to sit down and negotiate the entire MCBA, the Agency would be forced to take next steps.**
- **<u>June 17, 2019</u> – AFGE filed a grievance stating that they "decline to negotiate new ground rules" due to the parties' disagreement over the scope of negotiations (i.e., five articles versus the entire MCBA). AFGE indicated that it "just learned" the Agency's intent to negotiate the full contract on June 17, 2019.**
- **<u>June 24, 2019</u> – EPA informed AFGE that it would implement the new collective bargaining agreement on July 8, 2019. Included in this notice was a copy of the draft collective bargaining agreement. AFGE did not request to bargain.**
- **<u>July 8, 2019</u> – EPA unilaterally implemented the collective bargaining agreement.**

Climate Change

The FY21 budget request provides virtually no funding for EPA climate change programs and research and proposes to eliminate most voluntary climate programs. This continues a pattern of attacks on EPA climate work, virtually identical to last year's, and starkly demonstrates the Administration's willful denial of the overwhelming scientific consensus that human activities are causing dangerous changes to the earth's climate and that those changes must be addressed of the most significant reductions in Green House Gases (GHG) pollution achieved by the federal government are the result of the work carried out by EPA climate change programs. Notwithstanding that achievement and the devastating impacts already occurring from a warming climate, the 2021 budget eliminates important climate programs and cuts $66 million to support them. These "savings" will actually cost Americans tens of billions of dollars from increased risks to their lives, health and property and the loss of ecosystems that protect communities from flooding and provide recreational benefits on which many community economies are based. As the impacts of climate change continue to grow, it will be critical to build our understanding of the magnitude and severity of those impacts, where they are most likely to occur, what they mean for communities and regions, and how best to adapt to them.

Quigley Q29: How can EPA say it is working on reducing GHG pollution when the Administration is advocating cutting all funding support for all EPA programs that cut GHGs?

<u>EPA Response:</u> This Administration has finalized two important rules—the Affordable Clean Energy (ACE) Rule and the Safer Affordable Fuel Efficient (SAFE) Vehicles Rule—which will reduce greenhouse gas (GHG) emissions. Additionally, EPA's FY 2021 Budget Request includes funding for work to address greenhouse gas emissions through the Greenhouse Gas Reporting Program and EPA's contributions to the annual *Inventory of U.S. Greenhouse Gas Emissions and Sinks*.

Specifically, EPA will continue to implement the Atmospheric Protection Program, which requires mandatory greenhouse gas emissions reporting from large industrial source categories in the United States. The data is used to support federal and state level policy development, and to share with industry stakeholders, state and local governments, the research community, and the public. In FY 2021, EPA will also work to complete the annual *Inventory of U.S. Greenhouse Gas Emissions and Sinks*, a U.S. treaty obligation. In FY 2021, EPA is requesting a total of $14.5 million for the Atmospheric Protection Program.

Questions from Representative Joyce

Great Lakes Restoration Initiative (GLRI): FY 2021 Request

I was thrilled to see that the fiscal year 2021 request includes $320 million – equal to the fiscal year 2020 enacted level – for the Great Lakes Restoration Initiative. Sustained, robust GLRI funding is crucial to protecting and preserving the Great Lakes given they provide more than 1.5 million jobs, supply 90% of our nation's fresh surface water, support over 3,500 species of plants and animals, and generate $62 billion in wages every year.

Joyce Q1: If GLRI is funded at $320 million again in fiscal year 2021, what improvements can EPA and its partners make to the quality of the Great Lakes ecosystem and the health of the citizens who live in the region? What economic benefits are we likely to see?

In fiscal year 2019, EPA worked hard to leverage GLRI dollars to work with partners to delist Areas of Concern, restore coastal wetlands across the region, reduce phosphorus runoff and the threat of harmful algal blooms, and control invasive species. EPA also created new restoration programs – like the Trash-Free Waters program – to clean and protect beaches and waterways from plastics and other waste.

EPA Response: In FY 2021, the EPA and its federal agency partners will continue to focus on the objectives identified in the Great Lakes Restoration Initiative (GLRI) Action Plan III, including cleaning up Areas of Concern (AOCs), reducing excess nutrient loadings, combatting invasive species, restoring habitat, and implementing the Great Lakes Trash-Free Waters grant program. GLRI funding not only accelerates environmental protection, it stimulates the economy and creates jobs. A 2018 University of Michigan report showed that every federal dollar spent on GLRI projects from the program's launch in 2010 through 2016 will produce $3.35 of additional economic activity in the Great Lakes region through 2036. The study also shows that the GLRI has created or supported thousands of jobs and that the GLRI has strengthened tourism in the Great Lakes region. The EPA expects that the Great Lakes region and constituents will continue to receive similar benefits. Specifically, a 2019 study by the International Association for Great Lakes Research demonstrated that cleaning up Areas of Concern can lead to community and economic revitalization and found that federal funding from the Great Lakes Legacy Act (GLLA) and the GLRI accelerated cleanup in the Buffalo River, New York, which has led to more than $400 million of waterfront development projects along the river.

Joyce Q2: Is EPA using the $20 million increase in fiscal year 2020 to expand new programs like the Trash-Free Waters grant program and carry out more market-based nutrient reduction projects?

EPA Response: The $20 million increase in the FY 2020 GLRI appropriations will address high priority Great Lakes issues including:

- **Supporting Great Lakes Ballast Water Research and Development;**
- **Continuing the Great Lakes Trash Free Waters Grant Program to keep trash out of the Great Lakes to provide healthy habitat for fish and wildlife;**
- **Reducing excess nutrients reaching surface waters;**
- **Accelerating cleanup and restoration in Great Lakes AOCs to help meet the aggressive targets in the GLRI Action Plan III, which we announced this past fall; and**
- **Assist in implementation of the Vessel Incidental Discharge Act (VIDA).**

The EPA is currently in the process of evaluating the grant applications that were submitted in response to the Agency's first Great Lakes Trash Free Waters grant offering and anticipates beginning awarding grants to selected recipients in Summer 2020. The EPA is also optimistic of the success that will result from the recently awarded market-based excess nutrient reduction projects and will be assessing the implementation and preliminary results of those innovative grants.

Coastal Erosion – Lake Erie

I consistently hear from my constituents in Ohio about concerns related to coastal erosion. As communities along Lake Erie continue to lose more acres and coastal infrastructure to erosion, they are looking to us to help them find creative ways to mitigate the damage, prevent further loss of land, and restore ecosystems.

Joyce Q3: How is EPA working with other federal agencies, like the U.S. Army Corps of Engineers, to help communities, states, and tribes address coastal erosion and protect ecosystems?

EPA Response: The EPA is aware of the recent high lake levels and the associated coastal erosion. Through the GLRI, the EPA continues to partner with federal, state, tribal, and local agencies to protect and restore nearshore habitats for purposes of ecological restoration and is committed to continuing to work collaboratively with these partners moving forward. These restoration efforts will enhance the resiliency of the Great Lakes coasts. The EPA also recently held a semi-annual GLRI State Forum meeting where a primary topic of discussion was coastal resiliency.

Joyce Q4: Are there instances in the past where Great Lakes Restoration Initiative funding has been used for coastal erosion projects and to restore ecosystems damaged by erosion?

EPA Response: The GLRI has supported several projects to restore or enhance critical coastal habitat across the Great Lakes region. GLRI investments from FY 2015 through FY 2018 have protected or restored over 52,000 acres of coastal wetlands across the Great Lakes. For example, in 2017, the GLRI supported a project to restore Howard Farms in Curtice, Ohio. A total of 571 acres of coastal wetlands and 116 acres of new upland habitat were created from former agricultural fields in northwest Ohio. The overall goal was to restore hydrologic connection, fish access, and wetland and upland habitat. Increasing hydrologic connection with Lake Erie through this and other projects also allows connected wetlands to absorb water originating from increasing lake levels (e.g., wave events, seiches) and help to make the coasts more resilient to changing water levels.

New Harmful Algal Blooms Grant Program

Harmful algal blooms – or "HABs" – have been of great concern to my district in Ohio. Lake Erie is especially susceptible to HABs given it is the shallowest and warmest of the Lakes. In 2014 alone, harmful algal blooms in Lake Erie left 500,000 people without safe drinking water and cost roughly $65 million in diminished property values, lost tourism revenue and recreational opportunities, and increased water treatment costs.

That's why I was more than pleased to see that the request includes $15 million for a new categorical grant program to fund prevention and response efforts for HABs that pose significant health or economic risks.

Joyce Q5: How would this new grant program help us prevent and respond to HABs in a way that we cannot currently do through other EPA grant programs? How are other grant programs inadequate in addressing these problems?

EPA Response: The EPA's FY 2021 Budget Request of $15 million will complement existing grant programs and will establish a new competitive grant program to fund prevention and response efforts for harmful algal blooms (HABs) with significant health or economic risks. Funded projects are intended to further the implementation of HAB-specific state nutrient reduction strategies and programs, and should include one or more of the following strategic outputs and outcomes:

- **prioritization of high impact watersheds;**
- **goal setting to support targeting and tracking of implementation efforts;**
- **development and adoption of state-level actions and programs to better prevent and respond to HABs;**
- **deployment of staff to plan, prioritize, and engage partners and stakeholders in priority watersheds, and manage progress; and**
- **assessment, reporting and communicating of state progress to the public.**

Joyce Q6: How would these new grant dollars supplement the HABs work EPA and its partners carry out through the Great Lakes Restoration Initiative?

EPA Response: These resources could be used by states across the country, including Great Lakes states, to prevent and respond to HABs. Great Lakes states could seek resources

from the new $15 million competitive grant program to supplement assistance they receive from the GLRI, to further implement the HAB-focused strategic outputs and outcomes in their nutrient reduction strategies and programs.

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Joyce Q7: If Congress were to provide $320 million for GLRI and $15 million for this new HABs grant program, how much would the Agency project to spend – in total – on HABs work in fiscal year 2021?

EPA Response: The EPA continues to prioritize reducing HABs in the Great Lakes. If $320 million were provided for the GLRI in FY 2021 from Congress, the EPA anticipates that over $50 million of GLRI funding will be spent by the EPA and its federal partners to reduce nonpoint source pollution impacts on nearshore health, such as HABs (an amount commensurate with prior year expenditures). The GLRI funds would complement other existing agency programs and the President's Budget FY 2021 proposal for an additional $22.4 million and 5.5 FTE to address and reduce HABs, including the newly proposed $15 million grant program.

Great Lakes Shipyard Tug Replacement Program

Joyce Q8: Please provide an update on EPA's efforts to work with the Great Lakes Shipyard. How is the Agency evaluating their request based on the U.S. Coast Guard's guidance on new ship construction?

It is my understanding that the Great Lakes Shipyard has been working with the Agency to secure clarification that it is authorized to install Tier 3 engines into tugboats being constructed with keels laid in August 2016. This tug replacement program will achieve significant economic and environmental benefits to the Great Lakes region by putting into service cleaner, more efficient tugs and retiring World War II era Tier 0 "black stack" engines.

EPA Response: EPA is evaluating a hardship request from Great Lakes Towing (the parent company of Great Lakes Shipyard) made under EPA's hardship program for vessel and equipment manufacturers. Those regulations require that a company make very specific showings of fact in order to receive relief. The Agency is currently evaluating information provided by the company and expects to issue a decision soon.

Great Lakes Restoration Initiative (GLRI): 10% Cost-share Proposal

For fiscal year 2021, the request proposes a 10 percent cost-share for Great Lakes Restoration Initiative funding. While I am very supportive of efforts to leverage federal resources to further our restoration work in the Great Lakes, I want to ensure that even though the cost-share requirement can be waived in certain situations, this change does not unnecessarily burden our partners.

Joyce Q9: Did the Agency consult with relevant stakeholders about this proposed change?

EPA Response: The Agency will work with our stakeholders to support implementation of these changes.

Joyce Q10: Across GLRI, roughly how much money is the Agency and its partners currently leveraging without a cost-share? How much more does the Agency expect to leverage with the required cost-share?

EPA Response: In the last five years (GLRI projects with start dates of 10/01/2014 and later), a period during which there was not a required cost share, the EPA has awarded 323 GLRI grants. Out of these 323 grants, 114 grants (or 35 percent) included some amount of voluntary cost-sharing on the part of the grant recipient. The total project costs for these 323 EPA grants was $378,083,249, which included $21,056,036 in cost-share funding provided by the recipients (6 percent of the total project costs).

Joyce Q11: Is the Agency considering cost-shares for other Geographic Programs?

EPA Response: No, not specifically at this time, but the EPA is contemplating similar strategies for other programs to expand leveraging opportunities for federal resources and may evaluate the success of the modification for the GLRI program as part of that analysis. The request notes that in-kind work will be included in the cost-share.

The request notes that in-kind work will be included in the cost-share.

Joyce Q12: Please describe some examples of in-kind work Agency GLRI partners are currently providing?

EPA Response: The GLRI, among other things, funds projects implemented under the Great Lakes Legacy Act (GLLA). GLLA projects are intended to accelerate remediation of contaminated sediments in Areas of Concern (AOCs). CWA sections 118(c)(11)(E) and (F) provide that the non-federal share of the cost of a GLLA project shall be at least 35 percent, except for site-characterization activities which can be funded at 100 percent by the federal sponsor.

For example, the EPA recently signed a $2.5 million GLLA agreement to design a project that will remediate contaminated sediment and create substantial new habitat at the Ralph C. Wilson, Jr. Centennial Park in the Detroit River AOC. Work will be funded through a

GLLA cost-sharing partnership with the Detroit Riverfront Conservancy. The Detroit Riverfront Conservancy has agreed to contribute nearly $900,000 to the total project cost of $2.5 million.

For another example, the Green Bay Metropolitan Sewerage District has been awarded a GLRI grant that will reduce phosphorus loadings in the Fox River watershed using an adaptive water quality trading approach. The total project cost is $423,686, of which $85,248 (20.1 percent) is being provided by the grantee through an in-kind match that will cover 100 percent of personnel costs.

Harmful Algal Blooms (HABs) Research

Over fiscal year 2019 and fiscal year 2020, Congress has provided the Agency with a total of $11 million to investigate health effects from exposure to HABs and cyanobacteria toxins, and to develop methods to monitor, characterize, and predict blooms for early action.

Joyce Q13: How have these funds helped EPA further its understanding of HABs and better predict blooms to reduce health effects and negative economic impacts? Are we seeing returns on these research investments?

EPA Response: EPA research is providing information on harmful algal blooms (HABs) and tools for recreational and drinking water safety decision makers, including states, tribes, municipalities, and water treatment facilities. This work includes:

- **developing new and innovative solutions, such as the CyAN mobile application, which quickly provides cyanobacterial algal bloom satellite data for over 2,000 U.S. lakes to support decision making on health advisories for public health protection and to yield socioeconomic benefits by using satellite remote sensing for early detection of bloom formations;**
- **developing and evaluating high frequency monitoring tools and approaches for HABs (e.g., physical/chemical water quality parameters, weather/atmospheric data, and in-situ cyanobacteria pigment sensors), which will provide advance warning of increased HABs activity in drinking water sources for drinking water treatment plant operators and other public health stakeholders; and**
- **evaluating the comparative toxicity of cyanobacterial toxins found in U.S. freshwaters to enable water quality managers to make scientifically defensible decisions about recreational water access to protect human health.**

Joyce Q14: How will the requested $2.9 million for HABs research supplement this work?

EPA Response: EPA's HAB research will focus on detection, toxicity, impacts to humans and biota (*e.g.*, pets, livestock, crops, aquatic organisms), and the development of tools to mitigate exposure via predictive modeling and treatment technologies. EPA will continue its important work to provide the information and tools that decision makers need to help protect communities from HABs by: 1) monitoring, modeling, and predicting cyanobacterial algal blooms to understand how, when, and why blooms and toxic events occur, including expanding forecasting capabilities; 2) studying how cyanobacteria toxins

affect humans and animals; and 3) identifying and evaluating technologies to help communities treat their drinking water in the event of a bloom.

This research will provide stakeholders and decision makers at all levels—including national (EPA's Office of Water), regional (EPA regional offices), state (primacy agencies), and local (water utility superintendents, beach managers, etc.)—with scientific information and tools to 1) more effectively predict and mitigate HAB formation and exposure through ecological and predictive modeling and treatment techniques and 2) understand the health risks to humans and other biota.

Joyce Q15: Is $2.9 million in fiscal year 2021 enough to develop HABs pilot projects with predictive modeling and monitoring that reduce exposure and toxic events? Please describe one of these pilot projects.

EPA Response: Yes, an additional $2.9 million for HABs research could support FY 2021 pilot project efforts designed for predictive modeling and monitoring to reduce exposure to toxins. However, bloom formation and the release of toxins is very complex (*e.g.*, typical drivers may or may not cause a bloom to form and not all blooms release toxins) and pilot projects are typically multi-year efforts.

Great Lakes and Lake Champlain Invasive Species Program

The Vessel Incidental Discharge Act of 2018 tasked EPA with implementing the Great Lakes and Lake Champlain Invasive Species Program to develop ballast water management systems and prevent the spread of aquatic invasive species.

Joyce Q16: Please provide us with a status update on EPA's implementation of this program.

EPA Response: Prior to enactment of the Great Lakes and Lake Champlain Invasive Species Program (GLLCISP) per the Vessel Incidental Discharge Act (VIDA) in December 2018, the EPA and its many partners, have (since 2010) been using GLRI funds to implement a variety of effective invasive species prevention and control measures in the Great Lakes basin. GLRI funds will continue to be used to implement such measures in the Great Lakes in FY 2020, and, as proposed in the President's Budget, in FY 2021. Similarly, in FY 2020, the Lake Champlain Basin Partnership will use appropriations allocated for the Lake Champlain geographic program to continue its invasive species work in Lake Champlain.

Joyce Q17: How is EPA using fiscal year 2020 GLRI funds to work with federal and non-federal partners to launch the Great Lakes portion of this program and prevent introductions of new invasive species like Asian carp? How are Lake Champlain geographic program funds being used to carry out these activities in Lake Champlain?

EPA Response: Since 2010, the EPA and its many partners have been using GLRI funds to implement a variety of effective invasive species prevention and control measures in the Great Lakes basin, including measures to keep silver, bighead, and black carp (Asian carp)

from reaching the Great Lakes via the Mississippi River basin. The GLRI will continue to fund the implementation of these effective measures in the Great Lakes basin in FY 2020, and as proposed in the President's Budget, in FY 2021. In FY 2020, using Lake Champlain geographic program appropriations, the Lake Champlain partners plan to continue ongoing aquatic nuisance species activities including prevention grants, the water chestnut management program, and the boat launch steward program.

Joyce Q18: While still early in the implementation process, how much is EPA planning to spend on these efforts in fiscal year 2020 and how much funding is needed in fiscal year 2021?

EPA Response: In FY 2020, the EPA and its federal partners anticipate spending approximately $57 million of GLRI funds on Great Lakes invasive species prevention and control activities similar to activities funded in prior years. The EPA anticipates that funding needs in FY 2021 for invasive species prevention and control activities will be similar to FY 2020.

"PFAS Action Plan" – Ongoing Work and Resources

Over the last year, EPA has taken great strides to implement its PFAS Action Plan to reduce health risks to the public. Notably, on February 20th, EPA announced plans to regulate two types of PFAS under the Safe Drinking Water Act.

Joyce Q19: Please provide the Committee with an update on the work EPA has done over the last year to address PFAS chemicals and how funding provided in fiscal year 2020 is supporting these efforts.

EPA Response: EPA's FY 2020 Budget supports implementation of policy and regulatory elements of EPA's PFAS Action Plan including the Agency's efforts to move forward with the drinking water standard setting process outlined in the Safe Drinking Water Act for PFOA and PFOS. Resources also will support research efforts focused on developing laboratory analytical methods, evaluating chemical toxicity, identifying and estimating human exposure to PFAS, identifying drinking water treatment technologies, and providing technical support and data to EPA and states that can be used to make informed decisions about managing PFAS.

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Joyce Q20: Does the fiscal year 2021 budget request include the necessary funding for EPA to sustain and potentially increase its PFAS-related research and regulatory work? Does the fiscal year 2021 budget request include the necessary funding for EPA to work with states and communities to develop treatment and remediation options to address PFAS exposures?

EPA Response: **PFAS is a funding priority in FY 2021 and the EPA's Budget Request reflects this. The FY 2021 Budget Request includes an additional $5.9 million along with 5 FTE in order to continue to aggressively implement the Agency's PFAS Action Plan. These resources will enable EPA to address needs for policy, regulatory, and enforcement actions across multiple statutory authorities, as well as develop analytical methods, toxicity values, and additional treatment and remediation options that will help states and communities to address PFAS exposures.**

EPA's FY 2021 Budget Request supports implementation of policy and regulatory elements of EPA's PFAS Action Plan including the Agency's efforts to move forward with the drinking water standard setting process outlined in the Safe Drinking Water Act for PFOA and PFOS. Resources also will support research efforts focused on developing laboratory analytical methods, evaluating chemical toxicity, identifying and estimating human exposure to PFAS, identifying drinking water treatment technologies, and providing technical support and data to EPA and states that can be used to make informed decisions about managing PFAS.

EPA's FY 2021 Budget Request would enable the Agency to coordinate and support stakeholders, including states, tribes, and communities, to identify PFAS in the environment and take actions to prevent or remediate its presence. This includes supporting a technical assistance function for states, tribes, and local communities on issues pertaining to ecological and human health risk assessment, as well as site engineering challenges related to PFAS. Additionally, resources will support EPA's efforts to develop a PFAS risk communication toolbox that includes materials that states, tribes, and local partners can use to effectively communicate with the public.

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Joyce Q21: Even with additional funding in fiscal year 2021, could EPA speed up the process for regulating chemicals under the Safe Drinking Water Act?

EPA Response: **The EPA's FY 2021 Budget Request includes funding to support implementation of the Safe Drinking Water Act (SDWA). As for "speeding up the process," the EPA must follow the requirements of both the SDWA and other applicable laws and is prohibited from prejudging the outcome of a regulatory process. For the EPA's regulatory decisions to be defensible, the Agency must follow the processes established by the SDWA and other applicable laws, like the Administrative Procedures Act. The multistep processes, established in statute by Congress, are designed to ensure public participation, transparency, and the use of the best-available peer reviewed science and other technical information. By adhering to the processes created by Congress in the law, the EPA will build a defensible record to defend Agency decisions if challenged in court**

Integrated Planning

In January 2019, the bipartisan Water Infrastructure Improvement Act was signed into law. This bill codified EPA's Integrated Planning Framework to provide local communities with critical flexibilities to prioritize how they meet their specific Clean Water Act obligations and better manage costs over time.

The bill also included a provision establishing a Municipal Ombudsman's office within EPA to provide municipalities with a dedicated point of contact to ensure EPA policies are being implemented appropriately and consistently at the local level.

Joyce Q22: Please describe where in the process the Agency is for helping communities implement and utilize integrated planning –especially in terms of bringing the states along. Where do things stand on getting the Municipal Ombudsman office up and running?

EPA Response: EPA continues to help communities utilize integrated planning by providing technical assistance tools such as the Water Finance Clearinghouse, a newly updated Integrated Planning website, and a national webcast on integrated planning in January 2020. Every EPA Region is reaching out to state permitting contacts and municipalities to inform them of these new integrated planning amendments to the Clean Water Act and EPA's resources to support them in these endeavors. EPA also created a Regional Integrated Planning Workgroup to better coordinate integrated planning technical assistance with municipalities and states. Additionally, EPA continues outreach on integrated planning at meetings, such as recent events with the National League of Cities and the Association of Clean Water Administrators. In accordance with the Water Infrastructure Improvement for the Nation (WIIN) Act, EPA is compiling information on integrated planning efforts across the country and is preparing a Report to Congress that will highlight those plans that have been implemented in permits and enforcement mechanisms.

EPA announced an interim Municipal Ombudsman on March 16, 2020, who will build a permanent Office of the Municipal Ombudsman. The Municipal Ombudsman is now available as a resource to municipalities seeking to comply with the Clean Water Act and will work directly with EPA leadership at headquarters and regional offices.

U.S. Recycling Education

Recycling provides significant contributions to American prosperity and the protection of our environment. In fact, according to EPA, recycling activities in the United States account for 757,000 jobs and $36.6 billion in wages. However, reports indicate that one-third of materials put into household recycling bins ultimately end up in landfills, either because the material is not recyclable, or it is not accepted by a community's recycling program. I was proud to introduce legislation to better educate and inform consumers and households about their residential and community recycling programs to address this issue.

Joyce Q23: How is EPA working with for-profit, non-profit, state and local governments, and other stakeholders on recycling education?

EPA Response: Through the America Recycles Initiative, EPA is working collaboratively with stakeholders in four main action areas to encourage the use of recycled materials and address the challenges facing our U.S. recycling system: Promoting Education and Outreach, Enhancing Materials Management Infrastructure, Strengthening Secondary Material Markets, and Enhancing Measurement. Projects and activities are underway within each action area and are articulated in the *National Framework for Advancing the U.S. Recycling System*, which EPA released on November 15, 2019.

EPA is uniquely positioned to encourage the use of recycled materials by (1) continuing leadership and facilitation of the America Recycles Network; (2) providing the public with high-quality data and information, technical assistance, and tools on resource conservation and recycling issues; and (3) supporting market development through the purchasing power of the federal government with EPA's Comprehensive Procurement Guidelines (CPG) program.

EPA's CPG program provides guidelines for all federal agencies to encourage the purchase of materials with recycled content. Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S. Code 6962) requires EPA to designate items that are or can be made with recovered materials and recommends practices for buying these items. Once an item is designated, procuring agencies (using federal funds) are required to purchase it with the highest recovered material content level practicable. EPA intends to publish a non-rulemaking *Federal Register* Notice in 2020 to solicit comments on existing CPG product designations and recommended recycled-content levels, with no commitment to designate new items or change the recommended levels of recycled-content. Publishing the Notice will increase the awareness of government buy-recycled procurement programs and assist the Agency with determining whether future action is appropriate.

EPA also has a representative on the Department of Energy's Reducing Embodied Energy and Decreasing Emissions (REMADE) in Materials Manufacturing Technical Advisory Committee, which provides advice and counsel on current, and upcoming projects, as well as technology priorities.

Through the America Recycles Initiative, the Education and Outreach workgroup is developing key messages on recycling issues for the general public as well as media audiences. The workgroup has compiled input from businesses, industry associations, local governments, and other stakeholders from across the recycling system. In November 2019, the workgroup released an infographic depicting some facts about the importance of recycling for job creation and its positive economic impacts. These and other products developed by the workgroup may be utilized by all of the organizations participating in the America Recycles Initiative.

In 2020, EPA will initiate a pilot educational campaign to encourage recycling plastic film through retail/alternative collection programs to decrease the amount of plastic film entering curbside collection programs.

The results being produced through the America Recycles Initiative are a great example of what can be achieved through collective action across the value chain. For example, in 2019 and 2020, EPA partnered with America Recycles Network stakeholders to hold several market development workshops across the country with attendees from state and local governments, recycled materials sorters and processers, manufacturers, economic development organizations, investors/banks, recycling organizations, and the commodity industry.

EPA produces a variety of reports and engages in activities to measure the success of waste reduction and recycling programs across the country by characterizing our national waste stream and providing guidance on standardization of definitions and metrics. Two key reports include:

- ***Advancing Sustainable Materials Management: Facts and Figures Report*: This report has been published annually for approximately 30 years and addresses municipal solid waste (MSW) generation, recycling, composting, combustion with energy recovery and landfilling in the United States.**
- ***Recycling Economic Information (REI) Report*: This report provides estimates of the number of jobs, wages, and tax revenues created by recycling. EPA plans to release an updated edition of this report in 2020.**

EPA is working to develop and enhance underlying data about the recycling system. For example, EPA plans to support the enhancement of an existing map of recycling infrastructure that can help identify potential service gaps in collection and processing capabilities in the United States, which could be used to inform future investments.

EPA also plans to support the expansion of a web-based clearinghouse of recycling information currently being developed by the U.S. Chamber of Commerce Foundation. The clearinghouse will provide one-stop access to information on best practices, funding opportunities, tools and educational materials, research results, and government, business and community efforts. All of this information may be used to enhance infrastructure practices and help the country move toward a more resilient recycling system.

EPA will continue to participate in outside stakeholder industry events to the extent that resources and staff are available, and as the industry convenings are able to be held. In FY 2020, EPA was invited and participated in several stakeholder related events. EPA had committed to speak and/or attend several additional stakeholder industry events that have been cancelled due to COVID-19. EPA will be hosting the 2020 America Recycles Summit and Innovation Fair in November 2020, which will bring together the America Recycles stakeholders and the public to hear about progress made to-date as well as highlight innovation in the recycling system.

Joyce Q24: How much is EPA planning to spend on these efforts in fiscal year 2020 and how much funding is needed in fiscal year 2021?

EPA Response: In FY 2020, EPA estimates spending approximately $765K and 9.3 FTE on efforts related to the America Recycles Initiative and reducing food loss and waste. This does not include the $2 million allocation for anaerobic digestion grants. For FY 2021, EPA has requested $4.3 million and 5 FTE for America Recycles and reducing food loss and waste efforts.

Questions from Representative Simpson

Caribou County Reclamation

I wanted to ensure you are aware of an important project in my Congressional District. Specifically, P4, a subsidiary of Bayer, is working with the Environmental Protection Agency, Bureau of Land Management, and Department of Justice to finalize a consent decree that would allow for the remediation of Ballard Mine pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act. Ballard Mine, which is located north of Soda Springs in Caribou County, was operated from 1951 to 1969. P4 would like to reclaim the affected area in accordance with modern best practices. In conjunction with this work, it would like to remove approximately 4 million tons of phosphate ore that remains on site and is within the footprint of the reclamation project.

Simpson Q1: I am interested in seeing this project move forward, can you provide me with an anticipated timeline?

EPA Response: The Record of Decision (ROD) for the Ballard Mine site was signed in September 2019. The ROD selected a remedy for the 500+ acre site, including backfilling of mine pits, construction of a cover system over all waste materials, water treatment, and other elements. The ROD would also accommodate recovery of approximately 4 million tons of phosphate ore that are present within the site footprint. Re-mining and ore recovery are contingent on P4 Production LLC acquiring a federal mineral lease for the remaining phosphate ore, and the Department of Interior's Bureau of Land Management's (BLM) approval of a mine plan. EPA is coordinating with BLM.

Remedial Design (RD) and Remedial Action (RA) negotiations started in advance of the ROD and continue. EPA expects to share a draft Consent Decree (CD) and Statement of Work with P4 in May 2020, with the expectation that the CD will be signed in December 2020. EPA also expects BLM to award a mineral lease in the same time frame.

In late 2020 or early 2021, EPA will review RD deliverables. In this same timeframe, BLM expects to review the mine reclamation plan. In the Fall 2021, EPA anticipates P4 Production LLC will begin RA implementation. The start of RA will be coordinated with the timeline for BLM's approval of a mine plan.

If there are delays in BLM's process, some elements of the remedy may proceed, such as construction of permeable reactive barriers. The CD is structured so that the remedy can proceed, even if plans for ore recovery change.

EPA anticipates that RA implementation will start in 2021 and continue through 2029 and will be concurrent with ore recovery.

EPA Region 5 Actual Spending from FY 2016-FY 2020

dollars in thousands

	FY 2016 Actuals		FY 2017 Actuals		FY 2018 Actuals		FY 2019 Actuals		FY 2020 Enacted	
EPA Office	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**
OA	$3,349	18.8	$3,376	18.7	$3,616	18.3	$4,747	25.2	$4,099	23.8
OAR	$57,344	81.7	$50,910	83.4	$60,190	76.0	$58,307	84.1	$44,642	86.1
OARM[1]	$13,698	60.4	$14,017	59.5	$12,672	52.2	$13,213	51.6	-	-
OCFO	$4,970	33.3	$4,962	32.6	$4,258	26.9	$4,458	27.4	$4,739	30.6
OCSPP	$8,315	24.2	$8,179	25.5	$8,019	22.8	$7,885	20.6	$7,718	22.9
OECA	$57,942	341.6	$58,171	331.1	$57,472	318.2	$53,899	279.9	$57,716	310.8
OEI[1]	$4,439	8.0	$3,753	7.2	$4,080	9.1	$3,978	9.4	-	-
OGC	$4,273	23.2	$4,288	22.7	$3,885	20.8	$3,826	19.9	$3,786	23.3
OITA	$4,676	3.5	$4,919	4.2	$4,678	4.6	$4,643	4.0	$4,760	4.1
OLEM	$163,716	264.2	$155,587	262.1	$191,707	261.5	$171,258	245.2	$80,323	226.4
OMS[1]	-	-	-	-	-	-	-	-	$17,264	62.7
ORD[2]	-	-	-	-	-	-	-	-	$5,327	23.2
OW	$821,220	208.8	$980,041	201.4	$921,031	190.2	$897,683	178.8	$918,909	180.7
Grand Total	**$1,143,943**	**1,067.7**	**$1,288,202**	**1,048.4**	**$1,271,607**	**1,000.6**	**$1,223,896**	**946.1**	**$1,149,283**	**994.6**

Notes:

1. On November 26, 2018, the Agency merged OARM and OEI as the Office of Mission Support (OMS). The OMS budget structure was implemented beginning in the FY 2020 President's Budget cycle. Information contained in this table updates the resources accordingly.
2. In FY 2020, the Regional Labs were realigned under the Office of Research and Development National Program Manager.

EPA FY 2019 Actuals by Region and NPM

(dollars in thousands)

	Region 1		Region 2		Region 3		Region 4		Region 5		Region 6		Region 7		Region 8		Region 9		Region 10	
NPM	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**	**Dollars**	**FTE**
OAR	$28,577	36.9	$32,811	39.3	$44,404	60.6	$53,543	80.5	$58,307	84.1	$39,652	62.9	$17,422	37.4	$39,344	52.9	$76,676	71.1	$39,286	39.5
OW	$280,763	103.4	$411,899	105.4	$410,970	117.0	$517,575	158.2	$897,683	178.8	$364,966	136.9	$194,313	69.1	$192,941	96.3	$431,181	110.5	$248,320	108.0
OCSPP	$4,429	9.9	$4,176	12.9	$5,427	13.9	$7,661	14.6	$7,885	20.6	$5,176	13.2	$4,282	11.9	$3,896	8.4	$5,401	14.8	$4,244	11.1
OLEM	$103,682	129.1	$160,907	241.6	$111,649	215.9	$161,687	214.2	$171,258	245.2	$109,890	158.4	$106,919	125.9	$89,894	117.9	$100,207	175.4	$71,874	119.3
OECA	$25,670	123.6	$40,756	210.7	$35,563	193.1	$44,238	240.7	$53,899	279.9	$34,996	188.4	$21,724	125.9	$20,739	103.2	$34,241	162.6	$20,764	111.1
ORD	$26	-	-	-	$18	-	-	-	-	-	-	-	-	-	$18	-	-	-	-	-
OCFO	$2,332	15.7	$4,086	26.6	$2,154	13.7	$3,617	23.3	$4,458	27.4	$2,713	17.4	$2,127	15.3	$2,920	18.3	$4,082	22.6	$1,646	10.4
OITA	$1,461	2.8	$1,621	2.8	$220	-	$753	1.7	$4,643	4.0	$10,042	10.9	$1,821	2.6	$4,345	7.1	$21,091	20.5	$33,800	17.8
OA	$3,486	18.7	$3,676	19.9	$4,788	28.2	$5,532	31.6	$4,747	25.2	$4,372	23.0	$3,620	19.4	$4,625	23.2	$5,326	26.9	$4,194	21.2
OGC	$1,761	9.8	$2,434	10.9	$3,380	17.5	$2,434	12.8	$3,826	19.9	$2,449	12.9	$1,672	9.4	$2,490	12.5	$3,204	15.6	$1,816	10.2
OMS	$13,963	52.0	$19,923	44.4	$17,943	48.5	$12,793	55.3	$17,190	61.0	$12,190	36.9	$9,254	38.0	$12,016	38.4	$11,594	33.5	$10,629	40.7
Total	**$466,151**	**501.9**	**$682,290**	**714.5**	**$636,516**	**708.4**	**$809,832**	**832.9**	**$1,223,896**	**946.1**	**$586,446**	**660.9**	**$363,154**	**454.9**	**$373,228**	**478.2**	**$693,003**	**653.5**	**$436,572**	**489.3**

Note: Beginning in FY 2020, EPA's regional labs are realigned under the Office of Research and Development National Program Manager.

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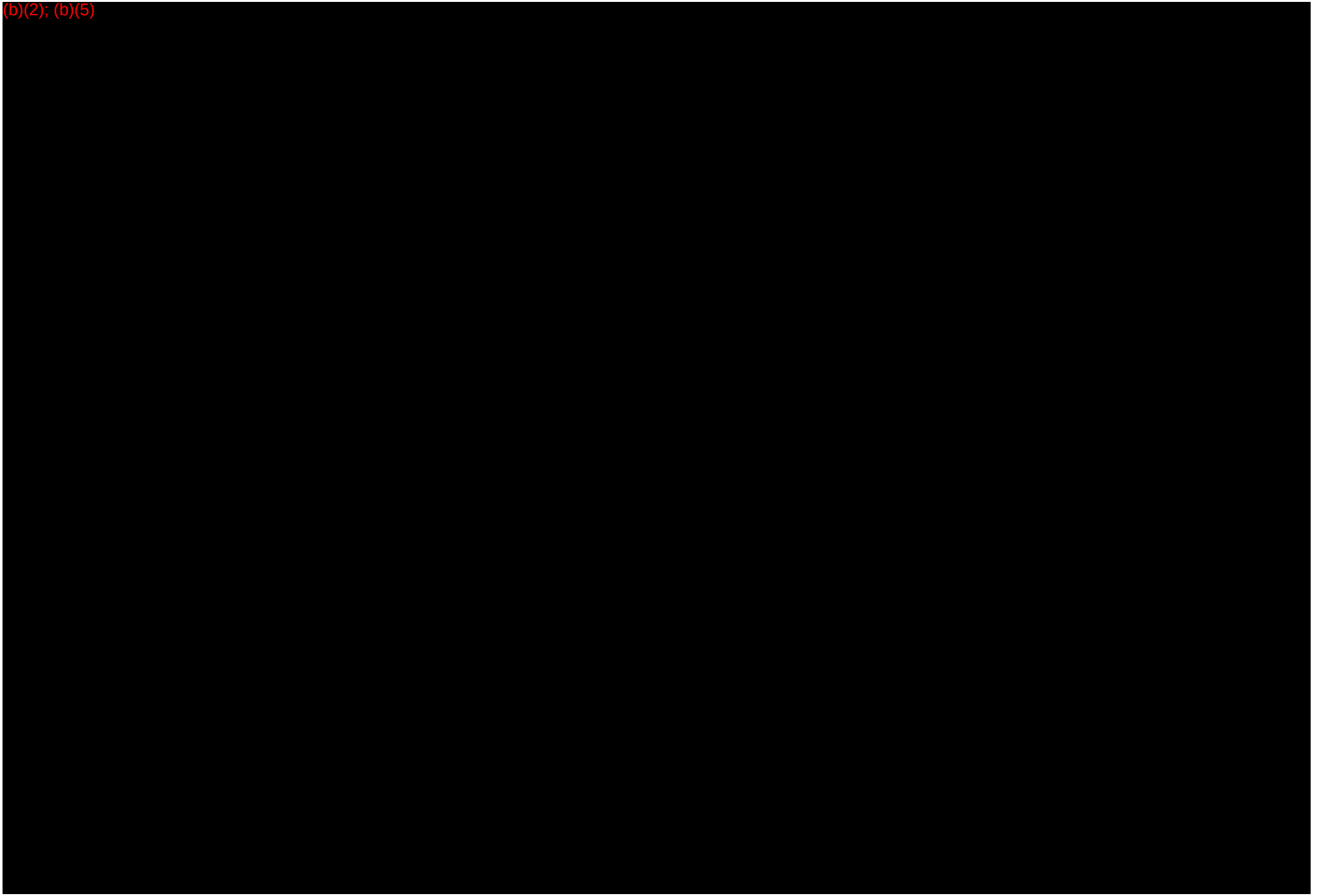

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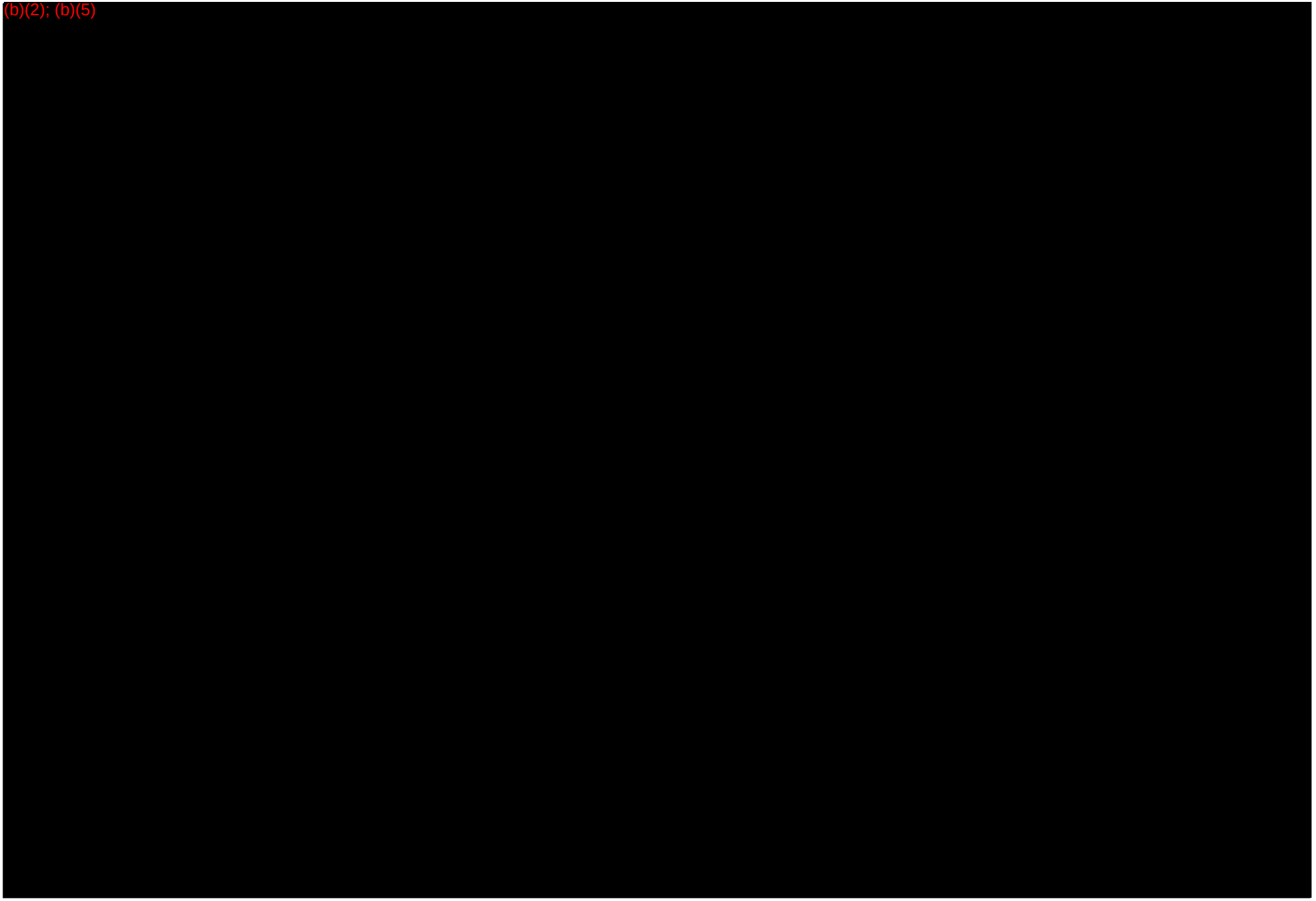

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